

AMENDED IN ASSEMBLY MARCH 29, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2882

Introduced by Committee on Judiciary (Assembly Members Mark Stone (Chair), Alejo, Chau, Chiu, Cristina Garcia, and Holden)

February 25, 2016

An act to amend Sections 302, 304, 306.5, 308, 360, 500, and 8714 of 4007.5, 4014, 4052.5, 8714, 17212, 17306, 17400, 17434, 17450, 17460, 17506, 17508, 17522.5, 17523.5, 17525, 17528, 17710, and 17801 of, to add Section 17504.1 to, to add Article 4 (commencing with Section 17390) to Chapter 1 of Division 17 of, and to repeal Sections 17458 and 17802 of, the Family Code, to add Section 69619.5 to the Government Code, and to amend Section 361 of, to repeal Sections 11475.2, 11475.3, and 11476.2 of, to repeal Chapter 4 (commencing with Section 10080) of Part 1 of, and to repeal Chapter 6 (commencing with Section 16575) of Part 4 of, Division 9 of, the Welfare and Institutions Code, relating to family law.

LEGISLATIVE COUNSEL'S DIGEST

AB 2882, as amended, Committee on Judiciary. Judiciary omnibus: family law.

(1) Existing law provides that an unmarried person under 18 years of age is capable of consenting to and consummating marriage upon obtaining a court order granting permission of the underage person or persons to marry. Existing law requires the court order and written consent of the parents of each underage person, or of one of the parents or the guardian of each underage person, to be filed with the clerk of

the court, and requires a certified copy of the order to be presented to the county clerk at the time the marriage license is issued.

This bill would instead require the court order and written consent of at least one of the parents or the guardian of each underage person to be filed with the clerk of the court.

Existing law provides that parties to a marriage are not required to have the same name. Existing law provides that one party or both parties to a marriage may elect to change the middle or last names, or both, by which that party wishes to be known after solemnization of the marriage, and authorizes a person to adopt any of the specified last names and middle names, including a hyphenated combination of last names and a hyphenated combination of the current middle name and current last name of the person or spouse or a hyphenated combination of the current middle name and the last name given at birth of the person or spouse.

~~The~~

This bill would instead authorize a person to adopt a combination of last names, and a combination of the current middle name and the current last name of the person or spouse or a combination of the current middle name and the last name given at birth of the person or spouse.

Existing law requires the person solemnizing the marriage to obtain a duplicate marriage license, if a marriage license is lost, damaged, or destroyed after the marriage ceremony, but before it is returned to the county recorder, or deemed unacceptable for registration by the county recorder. Existing law prohibits the duplicate marriage license from being issued later than one year after the issuance of the original license and requires the license to be returned by the person solemnizing the marriage to the county recorder within one year of the issuance date shown on the original license.

~~The~~

This bill would instead prohibit the duplicate marriage license from being issued later than one year after the date of marriage, and would require the license be returned by the person solemnizing the marriage to the county recorder within one year of the date of marriage.

(2) Existing law authorizes a person desiring to adopt a nondependent child to file an adoption request in an authorized county. Under existing law, a petition for adoption of a nondependent child may be filed in specified locations, including the county in which the petitioner resides or where the adoption agency, department, or public adoption agency is located. If a child has been adjudged to be a dependent of the juvenile court, and thereafter has been freed for adoption by the juvenile court,

existing law authorizes the petition to be filed in either the county where the petitioner resides or in the county where the child was freed for adoption.

~~The~~

This bill would instead provide that a petitioner desiring to adopt a dependent child who is freed for adoption by the juvenile court and with whom that dependent child is placed for adoption may file the adoption request either in the county where the petitioner resides or in the county where the child was freed for adoption.

(3) Existing law authorizes the court to limit the control to be exercised over a dependent child by any parent or guardian and requires the court, by its order, to clearly and specifically set forth all those limitations in all cases in which a minor is adjudged to be a dependent child of the court. Existing law provides that the court's authority does not limit the ability of a parent to voluntarily relinquish his or her child to the State Department of Social Services, to a county adoption agency, or to a licensed private adoption agency at any time while the child is the subject of a petition to declare him or her a dependent child, if the department, county adoption agency, or licensed private adoption agency is willing to accept the relinquishment. When accepting the relinquishment of a child subject to a petition to declare him or her a dependent child, existing law requires a licensed private adoption agency to file with the court one original and 10 copies of a request to approve the relinquishment within 5 court days of accepting the relinquishment.

~~The~~

This bill would instead require a licensed private adoption agency, or allow another party or that party's counsel, to file with the court one original and 5 copies of a request to approve the relinquishment within 10 court days of accepting the relinquishment.

(4) Existing law establishes the Department of Child Support Services within the California Health and Human Services Agency, which administers all services and performs all functions necessary to establish, collect, and distribute child support. Existing state law establishes within the Department of Child Support Services a Statewide Child Support Registry and a single statewide automated child support system as required under federal law, referred to as the California Child Support Automation System. Existing law requires the Statewide Child Support Registry to include storage and data retrieval of the specified information, including any information required under federal law, for all California child support orders.

This bill would reenact those provisions relating to the Statewide Child Support Registry in the Family Code. The bill would delete obsolete provisions in the Welfare and Institutions Code relating to the procurement and development of the California Child Support Automation System.

Existing law requires each clerk of the court to provide the child support information described above within 20 days to the Department of Child Support Services or the registry from each new or modified child support order. Existing law requires the department to, among other things, ensure that all child support data received from the clerks of the court are entered into the registry within 10 days of receipt. Existing law requires any information maintained by the Statewide Child Support Registry received from the clerks of the court to be provided to county district attorneys, the Franchise Tax Board, the courts, and others as provided by law.

This bill would instead require the department to ensure that all child support data received from the clerks of the court are entered into the Statewide Child Support Registry within 5 business days of receipt. The bill would instead require any information maintained by the registry received from the clerks of the court to be provided to local child support agencies, the court, and others as provided by law. The bill would require the registry to operate to ensure that all data in the registry can be accessed and integrated for statistical analysis and reporting purposes with all child support order data contained in the California Child Support Enforcement System.

(5) Existing law establishes within the Department of Child Support Services the State Disbursement Unit for the collection and disbursement of payments under support orders. Existing law requires any child support delinquency collected by the department to be deposited into the State Treasury to the credit of the Special Deposit Fund, which is a continuously appropriated fund, and distributed as specified by interagency agreement executed by the Franchise Tax Board and the department, with concurrence of the Controller. Upon availability of the State Disbursement Unit, existing law requires any child support delinquency collected to be deposited in a manner that the deposit and subsequent disbursement are consistent with federal law.

This bill would repeal these requirements.

(6) Existing law requires each county to maintain a local child support agency that shall have the responsibility for promptly and effectively establishing, modifying, and enforcing child support

obligations. Existing law requires local child support agencies, on a monthly basis, to provide to any CalWORKs recipient or former recipient from whom an assignment is currently effective, a notice of amount assigned support payments made on behalf of the recipient or former recipient.

This bill would reenact this requirement in the Family Code.

(7) Existing law requires any person, financial institution, or securities intermediary in possession or control of a financial asset upon which a levy has been issued to withhold the amount of, as applicable, the financial asset for the purpose of collecting a delinquent child support obligation to liquidate the financial asset in a commercially reasonable manner within 20 days of issuance of the levy or notice to withhold. Existing law requires, within 5 business days of liquidation, the person, financial institution, or securities intermediary to transfer to the local child support agency, the Franchise Tax Board, or the department, as applicable, the proceeds of the liquidation, as specified.

This bill would instead require the person, financial institution, or securities intermediary to transfer to the State Disbursement Unit the proceeds of the liquidation.

(8) This bill would delete references to the California Child Support Automation System and would refer instead to the California Child Support Enforcement System. The bill would delete obsolete references to the Franchise Tax Board and the California Family Support Council, and would also delete other obsolete provisions and make other conforming changes.

(9) Existing law requires a child support order to be suspended, by operation of law, when an obligor is incarcerated or involuntarily institutionalized for a period exceeding 90 days, subject to specified exceptions. Existing law authorizes a local child support agency to administratively adjust account balances for a money judgment or order for support of a child if the agency verifies that arrears and interest were accrued in violation of these provisions, if specified conditions are satisfied.

Prior law, from July 1, 2011, until July 1, 2015, similarly required the obligation of a person to pay child support pursuant to an order that is being enforced by a local child support agency under Title IV-D of the Social Security Act to be suspended for the period of time exceeding 90 days in which the person required to pay support is incarcerated or involuntarily institutionalized, with specified exceptions.

Prior law authorized an obligor, upon release from incarceration or involuntary institutionalization, to petition the court for an adjustment of the arrears pursuant to the suspension of the support obligation.

This bill would authorize a person who accrued child support arrears between July 1, 2011, and June 30, 2015, and who was eligible for an adjustment of arrears pursuant to the provisions that expired on July 1, 2015, to petition the court for a reduction in arrears in accordance with these provisions as they existed on June 30, 2015.

(4)

(10) Existing law specifies the number of judges of the superior court for each county, and allocates additional judgeships to the various counties in accordance with uniform standards for factually determining additional need in each county, as approved by the Judicial Council, and other specified criteria. Existing law provides for the conversion of 146 subordinate judicial officer positions in eligible superior courts upon the occurrence of specified conditions, including that the proposed action is ratified by the Legislature, except that no more than 16 positions may be converted to judgeships in any fiscal year. Notwithstanding this provision, existing law authorizes up to 10 additional subordinate judicial officer positions to be converted to judgeships in any fiscal year if the conversions will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a subordinate judicial officer and the proposed action is ratified by the Legislature.

This bill would ratify the authority of the Judicial Council to convert 10 subordinate judicial officer positions to judgeships in the 2016–17 fiscal year when the conversion will result in a judge being assigned to a family law or juvenile law assignment previously presided over by a subordinate judicial officer.

(5)

(11) The bill would delete an obsolete provision, and make other nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 302 of the Family Code is amended to
2 read:

1 302. (a) An unmarried person under 18 years of age is capable
2 of consenting to and consummating marriage upon obtaining a
3 court order granting permission to the underage person or persons
4 to marry.

5 (b) The court order and written consent of at least one of the
6 parents or the guardian of each underage person shall be filed with
7 the clerk of the court, and a certified copy of the order shall be
8 presented to the county clerk at the time the marriage license is
9 issued.

10 SEC. 2. Section 304 of the Family Code is amended to read:

11 304. As part of the court order granting permission to marry
12 under Section 302 or 303, the court shall, if it considers it
13 necessary, require the parties to the prospective marriage of a minor
14 to participate in premarital counseling concerning social, economic,
15 and personal responsibilities incident to marriage. The parties shall
16 not be required, without their consent, to confer with counselors
17 provided by religious organizations of any denomination. In
18 determining whether to order the parties to participate in the
19 premarital counseling, the court shall consider, among other factors,
20 the ability of the parties to pay for the counseling. The court may
21 impose a reasonable fee to cover the cost of any premarital
22 counseling provided by the county or the court. The fees shall be
23 used exclusively to cover the cost of the counseling services
24 authorized by this section.

25 SEC. 3. Section 306.5 of the Family Code is amended to read:

26 306.5. (a) Parties to a marriage shall not be required to have
27 the same name. Neither party shall be required to change his or
28 her name. A person's name shall not change upon marriage unless
29 that person elects to change his or her name pursuant to subdivision
30 (b).

31 (b) (1) One party or both parties to a marriage may elect to
32 change the middle or last names, or both, by which that party
33 wishes to be known after solemnization of the marriage by entering
34 the new name in the spaces provided on the marriage license
35 application without intent to defraud.

36 (2) A person may adopt any of the following last names pursuant
37 to paragraph (1):

38 (A) The current last name of the other spouse.

39 (B) The last name of either spouse given at birth.

1 (C) A name combining into a single last name all or a segment
2 of the current last name or the last name of either spouse given at
3 birth.

4 (D) A combination of last names.

5 (3) A person may adopt any of the following middle names
6 pursuant to paragraph (1):

7 (A) The current last name of either spouse.

8 (B) The last name of either spouse given at birth.

9 (C) A combination of the current middle name and the current
10 last name of the person or spouse.

11 (D) A combination of the current middle name and the last name
12 given at birth of the person or spouse.

13 (4) (A) An election by a person to change his or her name
14 pursuant to paragraph (1) shall serve as a record of the name
15 change. A certified copy of a marriage certificate containing the
16 new name, or retaining the former name, shall constitute proof
17 that the use of the new name or retention of the former name is
18 lawful.

19 (B) A certified copy of a marriage certificate shall be accepted
20 as identification establishing a true, full name for purposes of
21 Section 12800.7 of the Vehicle Code.

22 (C) Nothing in this section shall be construed to prohibit the
23 Department of Motor Vehicles from accepting as identification
24 other documents establishing a true, full name for purposes of
25 Section 12800.7 of the Vehicle Code. Those documents may
26 include, without limitation, a certified copy of a marriage certificate
27 recording a marriage outside of this state.

28 (D) This section shall be applied in a manner consistent with
29 the requirements of Sections 1653.5 and 12801 of the Vehicle
30 Code.

31 (5) The adoption of a new name, or the choice not to adopt a
32 new name, by means of a marriage license application pursuant
33 to paragraph (1) shall only be made at the time the marriage license
34 is issued. After a marriage certificate is registered by the local
35 registrar, the certificate shall not be amended to add a new name
36 or change the name adopted pursuant to paragraph (1). An
37 amendment may be issued to correct a clerical error in the new
38 name fields on the marriage license. In this instance, the
39 amendment shall be signed by one of the parties to the marriage
40 and the county clerk or his or her deputy, and the reason for the

1 amendment shall be stated as correcting a clerical error. A clerical
2 error as used in this part is an error made by the county clerk, his
3 or her deputy, or a notary authorized to issue confidential marriage
4 licenses, whereby the information shown in the new name field
5 does not match the information shown on the marriage license
6 application. This requirement shall not abrogate the right of either
7 party to adopt a different name through usage at a future date, or
8 to petition the superior court for a change of name pursuant to Title
9 8 (commencing with Section 1275) of Part 3 of the Code of Civil
10 Procedure.

11 (c) Nothing in this section shall be construed to abrogate the
12 common law right of any person to change his or her name, or the
13 right of any person to petition the superior court for a change of
14 name pursuant to Title 8 (commencing with Section 1275) of Part
15 3 of the Code of Civil Procedure.

16 SEC. 4. Section 308 of the Family Code is amended to read:

17 308. A marriage contracted outside this state that would be
18 valid by laws of the jurisdiction in which the marriage was
19 contracted is valid in California.

20 SEC. 5. Section 360 of the Family Code is amended to read:

21 360. (a) If a marriage license is lost, damaged, or destroyed
22 after the marriage ceremony, but before it is returned to the county
23 recorder, or deemed unacceptable for registration by the county
24 recorder, the person solemnizing the marriage, in order to comply
25 with Section 359, shall obtain a duplicate marriage license by filing
26 an affidavit setting forth the facts with the county clerk of the
27 county in which the license was issued.

28 (b) The duplicate marriage license shall not be issued later than
29 one year after the date of marriage and shall be returned by the
30 person solemnizing the marriage to the county recorder within one
31 year of the date of marriage.

32 (c) The county clerk may charge a fee to cover the actual costs
33 of issuing a duplicate marriage license.

34 (d) If a marriage license is lost, damaged, or destroyed before
35 a marriage ceremony takes place, the applicants shall purchase a
36 new marriage license and the old license shall be voided.

37 SEC. 6. Section 500 of the Family Code is amended to read:

38 500. When two unmarried people, not minors, have been living
39 together as spouses, they may be married pursuant to this chapter

1 by a person authorized to solemnize a marriage under Chapter 1
2 (commencing with Section 400) of Part 3.

3 *SEC. 7. Section 4007.5 of the Family Code is amended to read:*

4 4007.5. (a) Every money judgment or order for support of a
5 child shall be suspended, by operation of law, for any period
6 exceeding 90 consecutive days in which the person ordered to pay
7 support is incarcerated or involuntarily institutionalized, unless
8 either of the following conditions exist:

9 (1) The person owing support has the means to pay support
10 while incarcerated or involuntarily institutionalized.

11 (2) The person owing support was incarcerated or involuntarily
12 institutionalized for an offense constituting domestic violence, as
13 defined in Section 6211, against the supported party or supported
14 child, or for an offense that could be enjoined by a protective order
15 pursuant to Section 6320, or as a result of his or her failure to
16 comply with a court order to pay child support.

17 (b) The child support obligation shall resume on the first day
18 of the first full month after the release of the person owing support
19 in the amount previously ordered, and that amount is presumed to
20 be appropriate under federal and state law. This section does not
21 preclude a person owing support from seeking a modification of
22 the child support order pursuant to Section 3651, based on a change
23 in circumstances or other appropriate reason.

24 (c) (1) A local child support agency enforcing a child support
25 order under Title IV-D of the Social Security Act (42 U.S.C. Sec.
26 651 et seq.) may, upon written notice of the proposed adjustment
27 to the support obligor and obligee along with a blank form provided
28 for the support obligor or obligee to object to the administrative
29 adjustment to the local child support agency, administratively
30 adjust account balances for a money judgment or order for support
31 of a child suspended pursuant to subdivision (a) if all of the
32 following ~~occurs~~: *occur*:

33 (A) The agency verifies that arrears and interest were accrued
34 in violation of this section.

35 (B) The agency verifies that neither of the conditions set forth
36 in paragraph (1) or (2) of subdivision (a) exist.

37 (C) Neither the support obligor nor obligee objects, within 30
38 days of receipt of the notice of proposed adjustment, whether in
39 writing or by telephone, to the administrative adjustment by the
40 local child support agency.

1 (2) If either the support obligor or obligee objects to the
2 administrative adjustment set forth in this subdivision, the agency
3 shall not adjust the order, but shall file a motion with the court to
4 seek to adjust the arrears and shall serve copies of the motion on
5 the parties, who may file an objection to the agency's motion with
6 the court. The obligor's arrears shall not be adjusted unless the
7 court approves the adjustment.

8 (3) The agency may perform this adjustment without regard to
9 whether it was enforcing the child support order at the time the
10 parent owing support qualified for relief under this section.

11 (d) This section does not prohibit the local child support agency
12 or a party from petitioning a court for a determination of child
13 support or arrears amounts.

14 (e) For purposes of this section, the following definitions shall
15 apply:

16 (1) "Incarcerated or involuntarily institutionalized" includes,
17 but is not limited to, involuntary confinement to the state prison,
18 a county jail, a juvenile facility operated by the Division of Juvenile
19 Facilities in the Department of Corrections and Rehabilitation, or
20 a mental health facility.

21 (2) "Suspend" means that the payment due on the current child
22 support order, an arrears payment on a preexisting arrears balance,
23 or interest on arrears created during a qualifying period of
24 incarceration pursuant to this section is, by operation of law, set
25 to zero dollars (\$0) for the period in which the person owing
26 support is incarcerated or involuntarily institutionalized.

27 (f) This section applies to every money judgment or child
28 support order issued or modified on or after the enactment of this
29 section.

30 (g) *A person who accrued child support arrears between July*
31 *1, 2011, and June 30, 2015, and who was eligible for an adjustment*
32 *of arrears pursuant to this section as it existed on June 30, 2015,*
33 *may petition the court for a reduction in arrears in accordance*
34 *with this section as it existed on June 30, 2015.*

35 ~~(g)~~

36 (h) The Department of Child Support Services shall, by January
37 1, 2016, and in consultation with the Judicial Council, develop
38 forms to implement this section.

39 ~~(h)~~

(i) On or before January 1, 2019, the Department of Child Support Services and the Judicial Council shall conduct an evaluation of the effectiveness of the administrative adjustment process authorized by this section and shall report the results of the review, as well as any recommended changes, to the Assembly Judiciary Committee and the Senate Judiciary Committee. The evaluation shall include a review of the ease of the process to both the obligor and obligee, as well as an analysis of the number of cases administratively adjusted, the number of cases adjusted in court, and the number of cases not adjusted.

(j) This section shall remain in effect only until January 1, 2020, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2020, deletes or extends that date.

SEC. 8. Section 4014 of the Family Code is amended to read:

4014. (a) Any order for child support issued or modified pursuant to this chapter shall include a provision requiring the obligor and child support obligee to notify the other parent or, if the order requires payment through an agency designated under Title IV-D of the Social Security Act (42 U.S.C. Sec. ~~651~~, 651 et seq.), the agency named in the order, of the name and address of his or her current employer.

(b) The requirements set forth in this subdivision apply only in cases in which the local child support agency is not providing child support services pursuant to Section 17400. To the extent required by federal law, and subject to applicable confidentiality provisions of state or federal law, any judgment for paternity and any order for child support entered or modified pursuant to any provision of law shall include a provision requiring the child support obligor and obligee to file with the court all of the following information:

- (1) Residential and mailing address.
- (2) Social security number.
- (3) Telephone number.
- (4) Driver's license number.
- (5) Name, address, and telephone number of the employer.
- (6) Any other information prescribed by the Judicial Council.

The judgment or order shall specify that each parent is responsible for providing his or her own information, that the information must be filed with the court within 10 days of the court order, and that new or different information must be filed with the

1 court within 10 days after any event causing a change in the
2 previously provided information.

3 (c) The requirements set forth in this subdivision shall only
4 apply in cases in which the local child support agency is not
5 providing child support services pursuant to Section 17400. Once
6 the child support registry, as described in Section ~~16576 of the~~
7 ~~Welfare and Institutions Code 17391~~ is operational, any judgment
8 for paternity and any order for child support entered or modified
9 pursuant to any provision of law shall include a provision requiring
10 the child support obligor and obligee to file and keep updated the
11 information specified in subdivision (b) with the child support
12 registry.

13 (d) The Judicial Council shall develop forms to implement this
14 section. The forms shall be developed so as not to delay the
15 implementation of the Statewide Child Support Registry described
16 in Section ~~16576 of the Welfare and Institutions Code 17391~~ and
17 shall be available no later than 30 days prior to the implementation
18 of the Statewide Child Support Registry.

19 *SEC. 9. Section 4052.5 of the Family Code is amended to read:*

20 4052.5. (a) The statewide uniform guideline, as required by
21 federal regulations, shall apply in any case in which a child has
22 more than two parents. The court shall apply the guideline by
23 dividing child support obligations among the parents based on
24 income and amount of time spent with the child by each parent,
25 pursuant to Section 4053.

26 (b) Consistent with federal regulations, after calculating the
27 amount of support owed by each parent under the guideline, the
28 presumption that the guideline amount of support is correct may
29 be rebutted if the court finds that the application of the guideline
30 in that case would be unjust or inappropriate due to special
31 circumstances, pursuant to Section 4057. If the court makes that
32 finding, the court shall divide child support obligations among the
33 parents in a manner that is just and appropriate based on income
34 and amount of time spent with the child by each parent, applying
35 the principles set forth in Section 4053 and this article.

36 (c) Nothing in this section shall be construed to require
37 reprogramming of the California Child Support ~~Automation~~
38 ~~System, established pursuant to Chapter 4 (commencing with~~
39 ~~Section 10080) of Part 1 of Division 9 of the Welfare and~~
40 ~~Institutions Code, Enforcement System~~, a change to the statewide

1 uniform guideline for determining child support set forth in Section
2 4055, or a revision by the Department of Child Support Services
3 of its regulations, policies, procedures, forms, or training materials.

4 ~~SEC. 7.~~

5 *SEC. 10.* Section 8714 of the Family Code is amended to read:

6 8714. (a) A person desiring to adopt a nondependent child
7 may for that purpose file an adoption request in a county authorized
8 by Section 8609.5. A person desiring to adopt a child who has
9 been adjudged to be a dependent of the juvenile court pursuant to
10 Section 300 of the Welfare and Institutions Code, freed for
11 adoption by the juvenile court, and placed for adoption with the
12 petitioner, may file the adoption request either in the county where
13 the petitioner resides or in the county where the child was freed
14 for adoption.

15 (b) The court clerk shall immediately notify the department at
16 Sacramento in writing of the pendency of the proceeding and of
17 any subsequent action taken.

18 (c) If the petitioner has entered into a postadoption contact
19 agreement with the birth parent as set forth in Section 8616.5, the
20 agreement, signed by the participating parties, shall be attached
21 to and filed with the petition for adoption under subdivision (a).

22 (d) The caption of the adoption petition shall contain the names
23 of the petitioners, but not the child's name. The petition shall state
24 the child's sex and date of birth. The name the child had before
25 adoption shall appear in the joinder signed by the licensed adoption
26 agency.

27 (e) If the child is the subject of a guardianship petition, the
28 adoption petition shall so state and shall include the caption and
29 docket number or have attached a copy of the letters of the
30 guardianship or temporary guardianship. The petitioners shall
31 notify the court of any petition for guardianship or temporary
32 guardianship filed after the adoption petition. The guardianship
33 proceeding shall be consolidated with the adoption proceeding.

34 (f) The order of adoption shall contain the child's adopted name,
35 but not the name the child had before adoption.

36 *SEC. 11.* Section 17212 of the Family Code is amended to
37 read:

38 17212. (a) It is the intent of the Legislature to protect
39 individual rights of privacy, and to facilitate and enhance the
40 effectiveness of the child and spousal support enforcement

1 program, by ensuring the confidentiality of support enforcement
2 and child abduction records, and to thereby encourage the full and
3 frank disclosure of information relevant to all of the following:

4 (1) The establishment or maintenance of parent and child
5 relationships and support obligations.

6 (2) The enforcement of the child support liability of absent
7 parents.

8 (3) The enforcement of spousal support liability of the spouse
9 or former spouse to the extent required by the state plan under
10 Section 17604 and Part 6 (commencing with Section 5700.101)
11 of Division 9.

12 (4) The location of absent parents.

13 (5) The location of parents and children abducted, concealed,
14 or detained by them.

15 (b) (1) Except as provided in subdivision (c), all files,
16 applications, papers, documents, and records established or
17 maintained by any public entity pursuant to the administration and
18 implementation of the child and spousal support enforcement
19 program established pursuant to Part D (commencing with Section
20 651) of Subchapter IV of Chapter 7 of Title 42 of the United States
21 Code and this division, shall be confidential, and shall not be open
22 to examination or released for disclosure for any purpose not
23 directly connected with the administration of the child and spousal
24 support enforcement program. No public entity shall disclose any
25 file, application, paper, document, or record, or the information
26 contained therein, except as expressly authorized by this section.

27 (2) In no case shall information be released or the whereabouts
28 of one party or the child disclosed to another party, or to the
29 attorney of any other party, if a protective order has been issued
30 by a court or administrative agency with respect to the party, a
31 good cause claim under Section 11477.04 of the Welfare and
32 Institutions Code has been approved or is pending, or the public
33 agency responsible for establishing paternity or enforcing support
34 has reason to believe that the release of the information may result
35 in physical or emotional harm to the party or the child. When a
36 local child support agency is prohibited from releasing information
37 pursuant to this subdivision, the information shall be omitted from
38 any pleading or document to be submitted to the court and this
39 subdivision shall be cited in the pleading or other document as the
40 authority for the omission. The information shall be released only

1 upon an order of the court pursuant to paragraph (6) of subdivision
2 (c).

3 (3) Notwithstanding any other ~~provision of~~ law, a proof of
4 service filed by the local child support agency shall not disclose
5 the address where service of process was accomplished. Instead,
6 the local child support agency shall keep the address in its own
7 records. The proof of service shall specify that the address is on
8 record at the local child support agency and that the address may
9 be released only upon an order from the court pursuant to paragraph
10 (6) of subdivision (c). The local child support agency shall, upon
11 request by a party served, release to that person the address where
12 service was effected.

13 (c) Disclosure of the information described in subdivision (b)
14 is authorized as follows:

15 (1) All files, applications, papers, documents, and records as
16 described in subdivision (b) shall be available and may be used
17 by a public entity for all administrative, civil, or criminal
18 investigations, actions, proceedings, or prosecutions conducted in
19 connection with the administration of the child and spousal support
20 enforcement program approved under Part D (commencing with
21 Section 651) of Subchapter IV of Chapter 7 of Title 42 of the
22 United States Code and to the county welfare department
23 responsible for administering a program operated under a state
24 plan pursuant to Part A, Subpart 1 or 2 of Part B, or Part E of
25 Subchapter IV of Chapter 7 of Title 42 of the United States Code.

26 (2) A document requested by a person who wrote, prepared, or
27 furnished the document may be examined by or disclosed to that
28 person or his or her designee.

29 (3) The payment history of an obligor pursuant to a support
30 order may be examined by or released to the court, the obligor, or
31 the person on whose behalf enforcement actions are being taken
32 or that person's designee.

33 (4) ~~Income~~ *An income and expense information declaration* of
34 either parent may be released to the other parent for the purpose
35 of establishing or modifying a support order.

36 (5) Public records subject to disclosure under the California
37 Public Records Act (Chapter 3.5 (commencing with Section 6250)
38 of Division 7 of Title 1 of the Government Code) may be released.

39 (6) After a noticed motion and a finding by the court, in a case
40 in which establishment or enforcement actions are being taken,

1 that release or disclosure to the obligor or obligee is required by
2 due process of law, the court may order a public entity that
3 possesses an application, paper, document, or record as described
4 in subdivision (b) to make that item available to the obligor or
5 obligee for examination or copying, or to disclose to the obligor
6 or obligee the contents of that item. Article 9 (commencing with
7 Section 1040) of Chapter 4 of Division 8 of the Evidence Code
8 shall not be applicable to proceedings under this part. At any
9 hearing of a motion filed pursuant to this section, the court shall
10 inquire of the local child support agency and the parties appearing
11 at the hearing if there is reason to believe that release of the
12 requested information may result in physical or emotional harm
13 to a party. If the court determines that harm may occur, the court
14 shall issue any protective orders or injunctive orders restricting
15 the use and disclosure of the information as are necessary to protect
16 the individuals.

17 (7) To the extent not prohibited by federal law or regulation,
18 information indicating the existence or imminent threat of a crime
19 against a child, or location of a concealed, detained, or abducted
20 child or the location of the concealing, detaining, or abducting
21 person, may be disclosed to any district attorney, any appropriate
22 law enforcement agency, or to any state or county child protective
23 agency, or may be used in any judicial proceedings to prosecute
24 that crime or to protect the child.

25 (8) The social security number, most recent address, and the
26 place of employment of the absent parent may be released to an
27 authorized person as defined in Section 653(c) of Title 42 of the
28 United States Code, only if the authorized person has filed a request
29 for the information, and only if the information has been provided
30 to the California Parent Locator Service by the federal Parent
31 Locator Service pursuant to Section 653 of Title 42 of the United
32 States Code.

33 (9) A parent's or relative's name, social security number, most
34 recent address, telephone number, place of employment, or other
35 contact information may be released to a county child welfare
36 agency or county probation department pursuant to subdivision
37 (c) of Section 17506.

38 (d) (1) "Administration and implementation of the child and
39 spousal support enforcement program," as used in this division,
40 means the carrying out of the state and local plans for establishing,

1 modifying, and enforcing child support obligations, enforcing
2 spousal support orders, and determining paternity pursuant to Part
3 D (commencing with Section 651) of Subchapter IV of Chapter 7
4 of Title 42 of the United States Code and this article.

5 (2) For purposes of this division, “obligor” means any person
6 owing a duty of support.

7 (3) As used in this division, “putative parent” shall refer to any
8 person reasonably believed to be the parent of a child for whom
9 the local child support agency is attempting to establish paternity
10 or establish, modify, or enforce support pursuant to Section 17400.

11 (e) Any person who willfully, knowingly, and intentionally
12 violates this section is guilty of a misdemeanor.

13 (f) Nothing in this section shall be construed to compel the
14 disclosure of information relating to a deserting parent who is a
15 recipient of aid under a public assistance program for which federal
16 aid is paid to this state, if that information is required to be kept
17 confidential by the federal law or regulations relating to the
18 program.

19 *SEC. 12. Section 17306 of the Family Code is amended to*
20 *read:*

21 17306. (a) The Legislature finds and declares all of the
22 following:

23 (1) While the State Department of Social Services has had
24 statutory authority over the child support system, the locally elected
25 district attorneys have operated their county programs with a great
26 deal of autonomy.

27 (2) District attorneys have operated the child support programs
28 with different forms, procedures and priorities, making it difficult
29 to adequately evaluate and modify performance statewide.

30 (3) Problems collecting child support reflect a fundamental lack
31 of leadership and accountability in the collection program. These
32 management problems have cost California taxpayers and families
33 billions of dollars.

34 (b) The director shall develop uniform forms, policies and
35 procedures to be employed statewide by all local child support
36 agencies. Pursuant to this subdivision, the director shall:

37 (1) Adopt uniform procedures and forms.

38 (2) Establish standard caseworker to case staffing ratios, adjusted
39 as appropriate to meet the varying needs of local programs.

1 (3) Establish standard attorney to caseworker ratios, adjusted
2 as appropriate to meet the varying needs of local programs.

3 (4) Institute a consistent statewide policy on the appropriateness
4 of closing cases to ensure that, without relying solely on federal
5 minimum requirements, all cases are fully and pragmatically
6 pursued for collections prior to closing.

7 (5) Evaluate the best practices for the establishment,
8 enforcement, and collection of child support, for the purpose of
9 determining which practices should be implemented statewide in
10 an effort to improve performance by local child support agencies.
11 In evaluating the best practices, the director shall review existing
12 practices in better performing counties within California, as well
13 as practices implemented by other state Title IV-D programs
14 nationwide.

15 (6) Evaluate the best practices for the management of effective
16 child support enforcement operations for the purpose of
17 determining what management structure should be implemented
18 statewide in an effort to improve the establishment, enforcement,
19 and collection of child support by local child support agencies,
20 including an examination of the need for attorneys in management
21 level positions. In evaluating the best practices, the director shall
22 review existing practices in better performing counties within
23 California, as well as practices implemented by other state Title
24 IV-D programs nationwide.

25 (7) Set priorities for the use of specific enforcement mechanisms
26 for use by ~~both the local child support agency and the Franchise~~
27 ~~Tax Board.~~ *agencies.* As part of establishing these priorities, the
28 director shall set forth caseload processing priorities to target
29 enforcement efforts and services in a way that will maximize
30 collections and avoid welfare dependency.

31 (8) Develop uniform training protocols, require periodic training
32 of all child support staff, and conduct training sessions as
33 appropriate.

34 (9) Review and approve annual budgets submitted by the local
35 child support agencies to ensure each local child support agency
36 operates an effective and efficient program that complies with all
37 federal and state laws, regulations, and directives, including the
38 directive to hire sufficient staff.

1 (c) The director shall submit any forms intended for use in court
2 proceedings to the Judicial Council for approval at least six months
3 prior to the implementation of the use of the forms.

4 (d) In adopting the forms, policies, and procedures, the director
5 shall consult with ~~the California Family Support Council,~~
6 *appropriate organizations representing stakeholders in California,*
7 *such as* the California State Association of Counties, labor
8 organizations, custodial and noncustodial parent advocates, child
9 support commissioners, family law facilitators, and the appropriate
10 committees of the Legislature.

11 (e) (1) (A) Notwithstanding ~~the provisions of the~~
12 Administrative Procedure Act, Chapter 3.5 (commencing with
13 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
14 Code, through December 31, 2007, the department may implement
15 the applicable provisions of this division through child support
16 services letters or similar instructions from the director.

17 ~~The~~
18 (B) The department shall adopt regulations implementing the
19 forms, policies, and procedures established pursuant to this section.
20 The director may delay implementation of any of these regulations
21 in any county for any time as the director deems necessary for the
22 smooth transition and efficient operation of a local child support
23 agency, but implementation shall not be delayed beyond the time
24 at which the transition to the new county department of child
25 support services is completed. The department may adopt
26 regulations to implement this division in accordance with the
27 Administrative Procedure Act. The adoption of any emergency
28 regulation filed with the Office of Administrative Law on or before
29 December 31, 2007, shall be deemed to be an emergency and
30 necessary for the immediate preservation of the public peace,
31 health, and safety or general welfare. These emergency regulations
32 shall remain in effect for no more than 180 days.

33 (2) It is the intent of the Legislature that the amendments to
34 paragraph (1) of this subdivision made by Assembly Bill 3032 of
35 the 2001–02 Regular Session shall be retroactive to June 30, 2002.

36 *SEC. 13. Article 4 (commencing with Section 17390) is added*
37 *to Chapter 1 of Division 17 of the Family Code, to read:*

Article 4. *Statewide Registry for Child Support*

17390. (a) *The Legislature finds and declares that there is no single statewide database containing statistical data regarding child support orders.*

(b) *The California Child Support Enforcement System or its replacement may be utilized to provide a single statewide registry of all child support orders in California, including orders for cases under Title IV-D of the Social Security Act and all cases with child support orders.*

17391. (a) *The department shall develop an implementation plan for the Statewide Child Support Registry. The Statewide Child Support Registry shall be operated by the agency responsible for operation of the California Child Support Enforcement System or its replacement. The Statewide Child Support Registry shall include storage and data retrieval of the data elements specified in Section 17392 for all California child support orders. The Statewide Child Support Registry will operate to ensure that all data in the Statewide Child Support Registry can be accessed and integrated for statistical analysis and reporting purposes with all child support order data contained in the California Child Support Enforcement System.*

(b) *Each clerk of the court shall provide the information specified in Section 17392 within 20 days to the department or the Statewide Child Support Registry from each new or modified child support order, including child support arrearage orders.*

(c) *The department shall maintain a system for compiling the child support data received from the clerks of the court, ensure that all child support data received from the clerks of the court are entered into the Statewide Child Support Registry within five business days of receipt in the Statewide Child Support Registry, and ensure that the Statewide Child Support Registry is fully implemented statewide.*

(d) *The department shall provide aggregate data on a periodic basis on the data maintained by the Statewide Child Support Registry to the Judicial Council, the appropriate agencies of the executive branch, and the Legislature for statistical analysis and review. The data shall not include individual identifying information for specific cases.*

1 (e) Any information maintained by the Statewide Child Support
2 Registry received from clerks of the court shall be provided to
3 local child support agencies, the courts, and others as provided
4 by law.

5 17392. (a) The Judicial Council shall develop any forms that
6 may be necessary to implement the Statewide Child Support
7 Registry. The forms may be in electronic form or in hard copy, as
8 appropriate. The forms shall be developed so as not to delay
9 implementation, and shall be available no later than 30 days prior
10 to the implementation, of the Statewide Child Support Registry.

11 (b) The information transmitted from the clerks of the court to
12 the Statewide Child Support Registry shall include all of the
13 following:

14 (1) Any information required under federal law.

15 (2) Any other information the department and the Judicial
16 Council find appropriate.

17 17393. The Judicial Council shall develop the forms necessary
18 to implement this article.

19 SEC. 14. Section 17400 of the Family Code is amended to
20 read:

21 17400. (a) Each county shall maintain a local child support
22 agency, as specified in Section 17304, that shall have the
23 responsibility for promptly and effectively establishing, modifying,
24 and enforcing child support obligations, including medical support,
25 enforcing spousal support orders established by a court of
26 competent jurisdiction, and determining paternity in the case of a
27 child born out of wedlock. The local child support agency shall
28 take appropriate action, including criminal action in cooperation
29 with the district attorneys, to establish, modify, and enforce child
30 support and, if appropriate, enforce spousal support orders if the
31 child is receiving public assistance, including Medi-Cal, and, if
32 requested, shall take the same actions on behalf of a child who is
33 not receiving public assistance, including Medi-Cal.

34 (b) (1) Notwithstanding Sections 25203 and 26529 of the
35 Government Code, attorneys employed within the local child
36 support agency may direct, control, and prosecute civil actions
37 and proceedings in the name of the county in support of child
38 support activities of the Department of Child Support Services and
39 the local child support agency.

(2) Notwithstanding any other law, and except for pleadings or documents required to be signed under penalty of perjury, a local child support agency may substitute original signatures with any form of electronic signatures, including, but not limited to, typed, digital, or facsimile images of signatures, digital signatures, or other computer-generated signatures, on pleadings filed for the purpose of establishing, modifying, or enforcing paternity, child support, or medical support. Any substituted signature used by a local child support agency shall have the same effect as an original signature, including, but not limited to, the requirements of Section 128.7 of the Code of Civil Procedure.

(3) Notwithstanding any other law, effective July 1, 2016, a local child support agency may electronically file pleadings signed by an agent of the local child support agency under penalty of perjury. An original signed pleading shall be executed prior to, or on the same day as, the day of electronic filing. Original signed pleadings shall be maintained by the local child support agency for the period of time ~~proscribed~~ *prescribed* by subdivision (a) of Section 68152 of the Government Code. A local child support agency may maintain the original signed pleading by way of an electronic copy in the Statewide Automated Child Support System. The Judicial Council, by July 1, 2016, shall develop rules to implement this subdivision.

(c) Actions brought by the local child support agency to establish paternity or child support or to enforce child support obligations shall be completed within the time limits set forth by federal law. The local child support agency's responsibility applies to spousal support only if the spousal support obligation has been reduced to an order of a court of competent jurisdiction. In any action brought for modification or revocation of an order that is being enforced under Title IV-D of the Social Security Act (42 U.S.C. Sec. 651 et seq.), the effective date of the modification or revocation shall be as prescribed by federal law (42 U.S.C. Sec. 666(a)(9)), or any subsequent date.

(d) (1) The Judicial Council, in consultation with the ~~department and representatives of the California Family Support Council,~~ *department*, the Senate Committee on Judiciary, the Assembly Committee on Judiciary, and a legal services organization providing representation on child support matters, shall develop simplified summons, complaint, and answer forms for any action

1 for support brought pursuant to this section or Section 17404. The
2 Judicial Council may combine the summons and complaint in a
3 single form.

4 (2) The simplified complaint form shall provide notice of the
5 amount of child support that is sought pursuant to the guidelines
6 set forth in Article 2 (commencing with Section 4050) of Chapter
7 2 of Part 2 of Division 9 based upon the income or income history
8 of the support obligor as known to the local child support agency.
9 If the support obligor's income or income history is unknown to
10 the local child support agency, the complaint shall inform the
11 support obligor that income shall be presumed to be the amount
12 of the minimum wage, at 40 hours per week, established by the
13 Industrial Welfare Commission pursuant to Section 1182.11 of
14 the Labor Code unless information concerning the support obligor's
15 income is provided to the court. The complaint form shall be
16 accompanied by a proposed judgment. The complaint form shall
17 include a notice to the support obligor that the proposed judgment
18 will become effective if he or she fails to file an answer with the
19 court within 30 days of service. Except as provided in paragraph
20 (2) of subdivision (a) of Section 17402, if the proposed judgment
21 is entered by the court, the support order in the proposed judgment
22 shall be effective as of the first day of the month following the
23 filing of the complaint.

24 (3) (A) The simplified answer form shall be written in simple
25 English and shall permit a defendant to answer and raise defenses
26 by checking applicable boxes. The answer form shall include
27 instructions for completion of the form and instructions for proper
28 filing of the answer.

29 (B) The answer form shall be accompanied by a blank income
30 and expense declaration or simplified financial statement and
31 instructions on how to complete the financial forms. The answer
32 form shall direct the defendant to file the completed income and
33 expense declaration or simplified financial statement with the
34 answer, but shall state that the answer will be accepted by a court
35 without the income and expense declaration or simplified financial
36 statement.

37 (C) The clerk of the court shall accept and file answers, income
38 and expense declarations, and simplified financial statements that
39 are completed by hand provided they are legible.

1 (4) (A) The simplified complaint form prepared pursuant to
2 this subdivision shall be used by the local child support agency or
3 the Attorney General in all cases brought under this section or
4 Section 17404.

5 (B) The simplified answer form prepared pursuant to this
6 subdivision shall be served on all defendants with the simplified
7 complaint. Failure to serve the simplified answer form on all
8 defendants shall not invalidate any judgment obtained. However,
9 failure to serve the answer form may be used as evidence in any
10 proceeding under Section 17432 of this code or Section 473 of the
11 Code of Civil Procedure.

12 (C) The Judicial Council shall add language to the governmental
13 summons, for use by the local child support agency with the
14 governmental complaint to establish parental relationship and child
15 support, informing defendants that a blank answer form should
16 have been received with the summons and additional copies may
17 be obtained from either the local child support agency or the
18 superior court clerk.

19 (e) In any action brought or enforcement proceedings instituted
20 by the local child support agency pursuant to this section for
21 payment of child or spousal support, an action to recover an
22 arrearage in support payments may be maintained by the local
23 child support agency at any time within the period otherwise
24 specified for the enforcement of a support judgment,
25 notwithstanding the fact that the child has attained the age of
26 majority.

27 (f) The county shall undertake an outreach program to inform
28 the public that the services described in subdivisions (a) to (c),
29 inclusive, are available to persons not receiving public assistance.
30 There shall be prominently displayed in every public area of every
31 office of the agencies established by this section a notice, in clear
32 and simple language prescribed by the Director of Child Support
33 Services, that the services provided in subdivisions (a) to (c),
34 inclusive, are provided to all individuals, whether or not they are
35 recipients of public assistance.

36 (g) (1) In any action to establish a child support order brought
37 by the local child support agency in the performance of duties
38 under this section, the local child support agency may make a
39 motion for an order effective during the pendency of that action,
40 for the support, maintenance, and education of the child or children

1 that are the subject of the action. This order shall be referred to as
2 an order for temporary support. This order has the same force and
3 effect as a like or similar order under this code.

4 (2) The local child support agency shall file a motion for an
5 order for temporary support within the following time limits:

6 (A) If the defendant is the mother, a presumed father under
7 Section 7611, or any father if the child is at least six months old
8 when the defendant files his or her answer, the time limit is 90
9 days after the defendant files an answer.

10 (B) In any other case in which the defendant has filed an answer
11 prior to the birth of the child or not more than six months after the
12 birth of the child, then the time limit is nine months after the birth
13 of the child.

14 (3) If more than one child is the subject of the action, the
15 limitation on reimbursement shall apply only as to those children
16 whose parental relationship and age would bar recovery were a
17 separate action brought for support of that child or those children.

18 (4) If the local child support agency fails to file a motion for an
19 order for temporary support within the time limits specified in this
20 section, the local child support agency shall be barred from
21 obtaining a judgment of reimbursement for any support provided
22 for that child during the period between the date the time limit
23 expired and the date the motion was filed, or, if no motion is filed,
24 when a final judgment is entered.

25 (5) Except as provided in Section 17304, nothing in this section
26 prohibits the local child support agency from entering into
27 cooperative arrangements with other county departments as
28 necessary to carry out the responsibilities imposed by this section
29 pursuant to plans of cooperation with the departments approved
30 by the Department of Child Support Services.

31 (6) Nothing in this section otherwise limits the ability of the
32 local child support agency from securing and enforcing orders for
33 support of a spouse or former spouse as authorized under any other
34 law.

35 (h) As used in this article, “enforcing obligations” includes, but
36 is not limited to, all of the following:

37 (1) The use of all interception and notification systems operated
38 by the department for the purpose of aiding in the enforcement of
39 support obligations.

1 (2) The obtaining by the local child support agency of an initial
2 order for child support that may include medical support or that
3 is for medical support only, by civil or criminal process.

4 (3) The initiation of a motion or order to show cause to increase
5 an existing child support order, and the response to a motion or
6 order to show cause brought by an obligor parent to decrease an
7 existing child support order, or the initiation of a motion or order
8 to show cause to obtain an order for medical support, and the
9 response to a motion or order to show cause brought by an obligor
10 parent to decrease or terminate an existing medical support order,
11 without regard to whether the child is receiving public assistance.

12 (4) The response to a notice of motion or order to show cause
13 brought by an obligor parent to decrease an existing spousal support
14 order if the child or children are residing with the obligee parent
15 and the local child support agency is also enforcing a related child
16 support obligation owed to the obligee parent by the same obligor.

17 (5) The referral of child support delinquencies to the ~~Franchise~~
18 ~~Tax Board~~ *department* under subdivision (c) of Section 17500 in
19 support of the local child support agency.

20 (i) As used in this section, “out of wedlock” means that the
21 biological parents of the child were not married to each other at
22 the time of the child’s conception.

23 (j) (1) The local child support agency is the public agency
24 responsible for administering wage withholding for current support
25 for the purposes of Title IV-D of the Social Security Act (42 U.S.C.
26 Sec. 651 et seq.).

27 (2) Nothing in this section limits the authority of the local child
28 support agency granted by other sections of this code or otherwise
29 granted by law.

30 (k) In the exercise of the authority granted under this article,
31 the local child support agency may intervene, pursuant to
32 subdivision (b) of Section 387 of the Code of Civil Procedure, by
33 ex parte application, in any action under this code, or other
34 proceeding in which child support is an issue or a reduction in
35 spousal support is sought. By notice of motion, order to show
36 cause, or responsive pleading served upon all parties to the action,
37 the local child support agency may request any relief that is
38 appropriate that the local child support agency is authorized to
39 seek.

(l) The local child support agency shall comply with all regulations and directives established by the department that set time standards for responding to requests for assistance in locating noncustodial parents, establishing paternity, establishing child support awards, and collecting child support payments.

(m) As used in this article, medical support activities that the local child support agency is authorized to perform are limited to the following:

(1) The obtaining and enforcing of court orders for health insurance coverage.

(2) Any other medical support activity mandated by federal law or regulation.

(n) (1) Notwithstanding any other law, venue for an action or proceeding under this division shall be determined as follows:

(A) Venue shall be in the superior court in the county that is currently expending public assistance.

(B) If public assistance is not currently being expended, venue shall be in the superior court in the county where the child who is entitled to current support resides or is domiciled.

(C) If current support is no longer payable through, or enforceable by, the local child support agency, venue shall be in the superior court in the county that last provided public assistance for actions to enforce arrearages assigned pursuant to Section 11477 of the Welfare and Institutions Code.

(D) If subparagraphs (A), (B), and (C) do not apply, venue shall be in the superior court in the county of residence of the support obligee.

(E) If the support obligee does not reside in California, and subparagraphs (A), (B), (C), and (D) do not apply, venue shall be in the superior court of the county of residence of the obligor.

(2) Notwithstanding paragraph (1), if the child becomes a resident of another county after an action under this part has been filed, venue may remain in the county where the action was filed until the action is completed.

(o) The local child support agency of one county may appear on behalf of the local child support agency of any other county in an action or proceeding under this part.

SEC. 15. Section 17434 of the Family Code is amended to read:

1 17434. (a) The department shall publish a booklet describing
2 the proper procedures and processes for the collection and payment
3 of child and spousal support. The booklet shall be written in
4 language understandable to the lay person and shall direct the
5 reader to obtain the assistance of the local child support agency,
6 the family law facilitator, or legal counsel where appropriate. The
7 department may contract on a competitive basis with an
8 organization or individual to write the booklet.

9 (b) The department shall have primary responsibility for the
10 design and development of the contents of the booklet. The
11 department shall solicit comment regarding the content of the
12 booklet from the Director of the Administrative Office of the
13 Courts. The department shall verify the appropriateness and
14 accuracy of the contents of the booklet with at least one
15 representative of each of the following organizations:

- 16 (1) A local child support agency.
17 (2) The State Attorney General's office.
18 ~~(3) The California Family Support Council.~~
19 ~~(4)~~
20 (3) A community organization that advocates for the rights of
21 custodial parents.
22 ~~(5)~~
23 (4) A community organization that advocates for the rights of
24 supporting parents.

25 (c) Upon receipt of booklets on support collection, each county
26 welfare department shall provide a copy to each head of household
27 whose application for public assistance under Division 9
28 (commencing with Section 10000) of the Welfare and Institutions
29 Code has been approved and for whom support rights have been
30 assigned pursuant to Section 11477 of the Welfare and Institutions
31 Code. The department shall provide copies of the booklet to local
32 child support agencies for distribution, and to any person upon
33 request. The department shall also distribute the booklets to all
34 superior courts. Upon receipt of those booklets, each clerk of the
35 court shall provide two copies of the booklet to the petitioner or
36 plaintiff in any action involving the support of a minor child. The
37 moving party shall serve a copy of the booklet on the responding
38 party.

39 (d) The department shall expand the information provided under
40 its toll-free information hotline in response to inquiries regarding

1 the process and procedures for collection and payment of child
2 and spousal support. This toll-free number shall be advertised as
3 providing information on child and spousal support. The hotline
4 personnel shall not provide legal consultation or advice, but shall
5 provide only referral services.

6 (e) The department shall maintain a file of referral sources to
7 provide callers to the telephone hotline with the following
8 information specific to the county in which the caller resides:

9 (1) The location and telephone number of the local child support
10 agency, the county welfare office, the family law facilitator, and
11 any other government agency that handles child and spousal
12 support matters.

13 (2) The telephone number of the local bar association for referral
14 to attorneys in family law practice.

15 (3) The name and telephone number of at least one organization
16 that advocates the payment of child and spousal support or the
17 name and telephone number of at least one organization that
18 advocates the rights of supporting parents, if these organizations
19 exist in the county.

20 *SEC. 16. Section 17450 of the Family Code is amended to*
21 *read:*

22 17450. (a) For purposes of this article:

23 (1) “Child support delinquency” means a delinquency defined
24 in subdivision (c) of Section 17500.

25 (2) “Earnings” shall include the items described in Section 5206.

26 (b) (1) When a delinquency is submitted to the department
27 pursuant to subdivision (c) of Section 17500, the amount of the
28 child support delinquency shall be collected by the department in
29 any manner authorized under state or federal law.

30 (2) Any compensation, fee, commission, expense, or any other
31 fee for service incurred by the department in the collection of a
32 child support delinquency authorized under this article shall not
33 be an obligation of, or collected from, the obligated parent.

34 (c) (1) The department may return or allow a local child support
35 agency to retain a child support delinquency for a specified purpose
36 for collection where the department determines that the return or
37 retention of the delinquency for the purpose so specified will
38 enhance the collectibility of the delinquency. The department shall
39 establish a process whereby a local child support agency may

1 request and shall be allowed to withdraw, rescind, or otherwise
2 recall the submittal of an account that has been submitted.

3 (2) If an obligor is disabled, meets the federal Supplemental
4 Security Income resource test, and is receiving Supplemental
5 Security Income/State Supplementary Payments (SSI/SSP), or,
6 but for excess income as described in Section 416.1100 and
7 following of Part 416 of Title 20 of the Code of Federal
8 Regulations, would be eligible to receive as SSI/SSP, pursuant to
9 Section 12200 of the Welfare and Institutions Code, and the obligor
10 has supplied the local child support agency with proof of his or
11 her eligibility for, and, if applicable, receipt of, SSI/SSP or Social
12 Security Disability Insurance benefits, then the child support
13 delinquency shall not be referred to the department for collection,
14 and, if referred, shall be withdrawn, rescinded, or otherwise recalled
15 from the department by the local child support agency. The
16 department shall not take any collection action, or if the local child
17 support agency has already taken collection action, shall cease
18 collection actions in the case of a disabled obligor when the
19 delinquency is withdrawn, rescinded, or otherwise recalled by the
20 local child support agency in accordance with the process
21 established as described in paragraph (1).

22 (d) It is the intent of the Legislature that when the California
23 Child Support ~~Automation~~ Enforcement System (~~CCSAS~~) (*CSE*)
24 is fully operational, any statutes that should be modified based
25 upon the status of the system shall be revised. During the
26 development and implementation of ~~CCSAS~~, *CSE*, the department,
27 as the Title IV-D agency, may, through appropriate interagency
28 agreement, delegate any and all of the functions or procedures
29 specified in this article to the Franchise Tax Board. The Franchise
30 Tax Board shall perform those functions or procedures as specified
31 in Sections 19271 to 19275, inclusive, of the Revenue and Taxation
32 Code until such time as the director, by letter to the executive
33 officer of the Franchise Tax Board, revokes such delegation of
34 Title IV-D functions. Sections 19271 to 19275, inclusive, of the
35 Revenue and Taxation Code shall be effective for these purposes
36 until the revocation of delegation to the Franchise Tax Board.

37 (e) Consistent with the development and implementation of the
38 California Child Support ~~Automation~~ System (~~CCSAS~~),
39 *Enforcement System*, the Franchise Tax Board and the department
40 shall enter into a letter of agreement and an interagency agreement

1 whereby the department shall assume responsibility for collection
2 of child support delinquencies and the Financial Institution Data
3 Match System as set forth in this article. The letter of agreement
4 and interagency agreement shall, at a minimum, set forth all of the
5 following:

6 (1) Contingent upon the enactment of the Budget Act, and
7 staffing authorization from the Department of Finance and the
8 Department of Human Resources, the department shall assume
9 responsibility for leadership and staffing of the collection of child
10 support delinquencies and the Financial Institution Data Match
11 System.

12 (2) All employees and other personnel who staff or provide
13 support for the collection of child support delinquencies and the
14 Financial Institution Data Match System at the Franchise Tax
15 Board shall become the employees of the department at their
16 existing or equivalent classification, salaries, and benefits.

17 (3) Any other provisions necessary to ensure continuity of
18 function and meet or exceed existing levels of service, including,
19 but not limited to, agreements for continued use of automated
20 systems used by the Franchise Tax Board to locate child support
21 obligors and their assets.

22 *SEC. 17. Section 17458 of the Family Code is repealed.*

23 ~~17458. Any child support delinquency collected by the~~
24 ~~department, including those amounts that result in overpayment~~
25 ~~of a child support delinquency, shall be deposited in the State~~
26 ~~Treasury, after clearance of the remittance, to the credit of the~~
27 ~~Special Deposit Fund and distributed as specified by interagency~~
28 ~~agreement executed by the Franchise Tax Board and the~~
29 ~~department, with the concurrence of the Controller.~~
30 ~~Notwithstanding Section 13340 of the Government Code, all~~
31 ~~moneys deposited in the Special Deposit Fund pursuant to this~~
32 ~~article are hereby continuously appropriated, without regard to~~
33 ~~fiscal years, for purposes of making distributions. Upon availability~~
34 ~~of the State Disbursement Unit, any child support delinquency~~
35 ~~collected shall be deposited in a manner such that the deposit and~~
36 ~~subsequent disbursement is consistent with federal law.~~

37 *SEC. 18. Section 17460 of the Family Code is amended to*
38 *read:*

39 17460. (a) As necessary, the department shall seek reciprocal
40 agreements with other states to improve its ability to collect child

support payments from out-of-state obligated parents on behalf of custodial parents residing in California. The department may pursue agreements with the Internal Revenue Service, as permitted by federal law, to improve collections of child support delinquencies from out-of-state obligated parents through cooperative agreements with the service.

(b) ~~The California Child Support—Automation—System, established pursuant to Chapter 4 (commencing with Section 10080) of Part 1 of Division 9 of the Welfare and Institutions Code,~~ *Enforcement System* shall, for purposes of this article, include the capacity to interface and exchange information, if feasible, with the Internal Revenue Service, to enable the immediate reporting and tracking of obligated parent information.

(c) The department shall enter into any interagency agreements that are necessary for the implementation of this article. State departments and boards shall cooperate with the department to the extent necessary for the implementation of this article. Out of any money received from the federal government for the purpose of reimbursing state departments and boards for their actual and reasonable costs incurred in complying with this section, the department shall reimburse those departments and boards. To the extent that money is not provided by the federal government for that purpose, and subject to the annual Budget Act, the state shall fund departments and boards for their costs in complying with this section.

SEC. 19. Section 17504.1 is added to the Family Code, to read:

17504.1. On a monthly basis, the local child support agency shall provide to any CalWORKs recipient or former recipient for whom an assignment pursuant to subdivision (a) of Section 11477 of the Welfare and Institutions Code is currently effective, a notice of the amount of assigned support payments made on behalf of the recipient or former recipient or any other family member for whom public assistance is received.

SEC. 20. Section 17506 of the Family Code is amended to read:

17506. (a) There is in the department a California Parent Locator Service and Central Registry that shall collect and disseminate all of the following, with respect to any parent, putative parent, spouse, or former spouse:

- 1 (1) The full and true name of the parent together with any known
- 2 aliases.
- 3 (2) Date and place of birth.
- 4 (3) Physical description.
- 5 (4) Social security number.
- 6 (5) Employment history and earnings.
- 7 (6) Military status and Veterans Administration or military
- 8 service serial number.
- 9 (7) Last known address, telephone number, and date thereof.
- 10 (8) Driver's license number, driving record, and vehicle
- 11 registration information.
- 12 (9) Criminal, licensing, and applicant records and information.
- 13 (10) (A) Any additional location, asset, and income information,
- 14 including income tax return information obtained pursuant to
- 15 Section 19548 of the Revenue and Taxation Code, and to the extent
- 16 permitted by federal law, the address, telephone number, and social
- 17 security number obtained from a public utility, cable television
- 18 corporation, a provider of electronic digital pager communication,
- 19 or a provider of mobile telephony services that may be of assistance
- 20 in locating the parent, putative parent, abducting, concealing, or
- 21 detaining parent, spouse, or former spouse, in establishing a parent
- 22 and child relationship, in enforcing the child support liability of
- 23 the absent parent, or enforcing the spousal support liability of the
- 24 spouse or former spouse to the extent required by the state plan
- 25 pursuant to Section 17604.
- 26 (B) For purposes of this subdivision, "income tax return
- 27 information" means all of the following regarding the taxpayer:
- 28 (i) Assets.
- 29 (ii) Credits.
- 30 (iii) Deductions.
- 31 (iv) Exemptions.
- 32 (v) Identity.
- 33 (vi) Liabilities.
- 34 (vii) Nature, source, and amount of income.
- 35 (viii) Net worth.
- 36 (ix) Payments.
- 37 (x) Receipts.
- 38 (xi) Address.
- 39 (xii) Social security number.

1 (b) Pursuant to a letter of agreement entered into between the
2 Department of Child Support Services and the Department of
3 Justice, the Department of Child Support Services shall assume
4 responsibility for the California Parent Locator Service and Central
5 Registry. The letter of agreement shall, at a minimum, set forth all
6 of the following:

7 (1) Contingent upon funding in the Budget Act, the Department
8 of Child Support Services shall assume responsibility for leadership
9 and staff of the California Parent Locator Service and Central
10 Registry commencing July 1, 2003.

11 (2) All employees and other personnel who staff or provide
12 support for the California Parent Locator Service and Central
13 Registry shall, at the time of the transition, at their option, become
14 the employees of the Department of Child Support Services at
15 their existing or equivalent classification, salaries, and benefits.

16 (3) Until the department's automation system for the California
17 Parent Locator Service and Central Registry functions is fully
18 operational, the department shall use the automation system
19 operated by the Department of Justice.

20 (4) Any other provisions necessary to ensure continuity of
21 function and meet or exceed existing levels of service.

22 (c) To effectuate the purposes of this section, the California
23 ~~Child Support Automation System, Enforcement System and the~~
24 ~~California Parent Locator Service and Central Registry, and the~~
25 ~~Franchise Tax Board Registry~~ shall utilize the federal Parent
26 Locator Service to the extent necessary, and may request and shall
27 receive from all departments, boards, bureaus, or other agencies
28 of the state, or any of its political subdivisions, and those entities
29 shall provide, that assistance and data that will enable the
30 Department of Child Support Services and other public agencies
31 to carry out their powers and duties to locate parents, spouses, and
32 former spouses, and to identify their assets, to establish parent-child
33 relationships, and to enforce liability for child or spousal support,
34 and for any other obligations incurred on behalf of children, and
35 shall also provide that information to any local child support agency
36 in fulfilling the duties prescribed in Section 270 of the Penal Code,
37 and in Chapter 8 (commencing with Section 3130) of Part 2 of
38 Division 8 of this code, relating to abducted, concealed, or detained
39 children and to any county child welfare agency or county
40 probation department in fulfilling the duties prescribed in Article

5.5 (commencing with Section 290.1) of Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code, and prescribed in Article 6 (commencing with Section 300) of Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions Code to identify, locate, and notify parents or relatives of children who are the subject of juvenile court proceedings, to establish parent and child relationships pursuant to Section 316.2 of the Welfare and Institutions Code, and to assess the appropriateness of placement of a child with a noncustodial parent pursuant to Section 361.2 of the Welfare and Institutions Code. Consistent with paragraph (1) of subdivision (e) of Section 309 of, and paragraph (2) of subdivision (d) of Section 628 of, the Welfare and Institutions Code, in order for county child welfare and probation departments to carry out their duties to identify and locate all grandparents, adult siblings, and other adult relatives of the child as defined in paragraph (2) of subdivision (f) of Section 319 of the Welfare and Institutions Code, including any other adult relatives suggested by the parents, county personnel are permitted to request and receive information from the California Parent Locator Service and Federal Parent Locator Service. County child welfare agencies and probation departments shall be entitled to the information described in this subdivision regardless of whether an all-county letter or similar instruction is issued pursuant to subparagraph (C) of paragraph (8) of subdivision (c) of Section 11478.1 of the Welfare and Institutions Code. The California Child Support ~~Automation~~ *Enforcement* System shall be entitled to the same cooperation and information as the California Parent Locator Service and Central Registry to the extent allowed by law. The California Child Support ~~Automation~~ *Enforcement* System shall be allowed access to criminal record information only to the extent that access is allowed by state and federal law.

(d) (1) To effectuate the purposes of this section, and notwithstanding any other law, regulation, or tariff, and to the extent permitted by federal law, the California Parent Locator Service and Central Registry and the California Child Support ~~Automation~~ *Enforcement* System may request and shall receive from public utilities, as defined in Section 216 of the Public Utilities Code, customer service information, including the full name, address, telephone number, date of birth, employer name and address, and social security number of customers of the public

1 utility, to the extent that this information is stored within the
2 computer database of the public utility.

3 (2) To effectuate the purposes of this section, and
4 notwithstanding any other law, regulation, or tariff, and to the
5 extent permitted by federal law, the California Parent Locator
6 Service and Central Registry and the California Child Support
7 ~~Automation~~ *Enforcement* System may request and shall receive
8 from cable television corporations, as defined in Section 216.4 of
9 the Public Utilities Code, the providers of electronic digital pager
10 communication, as defined in Section 629.51 of the Penal Code,
11 and the providers of mobile telephony services, as defined in
12 Section 224.4 of the Public Utilities Code, customer service
13 information, including the full name, address, telephone number,
14 date of birth, employer name and address, and social security
15 number of customers of the cable television corporation, customers
16 of the providers of electronic digital pager communication, and
17 customers of the providers of mobile telephony services.

18 (3) In order to protect the privacy of utility, cable television,
19 electronic digital pager communication, and mobile telephony
20 service customers, a request to a public utility, cable television
21 corporation, provider of electronic digital pager communication,
22 or provider of mobile telephony services for customer service
23 information pursuant to this section shall meet the following
24 requirements:

25 (A) Be submitted to the public utility, cable television
26 corporation, provider of electronic digital pager communication,
27 or provider of mobile telephony services in writing, on a transmittal
28 document prepared by the California Parent Locator Service and
29 Central Registry or the California Child Support ~~Automation~~
30 *Enforcement* System and approved by all of the public utilities,
31 cable television corporations, providers of electronic digital pager
32 communication, and providers of mobile telephony services. The
33 transmittal shall be deemed to be an administrative subpoena for
34 customer service information.

35 (B) Have the signature of a representative authorized by the
36 California Parent Locator Service and Central Registry or the
37 California Child Support ~~Automation~~ *Enforcement* System.

38 (C) Contain at least three of the following data elements
39 regarding the person sought:

40 (i) First and last name, and middle initial, if known.

- 1 (ii) Social security number.
- 2 (iii) Driver's license number.
- 3 (iv) Birth date.
- 4 (v) Last known address.
- 5 (vi) Spouse's name.

6 (D) The California Parent Locator Service and Central Registry
7 and the California Child Support ~~Automation~~ *Enforcement* System
8 shall ensure that each public utility, cable television corporation,
9 provider of electronic digital pager communication services, and
10 provider of mobile telephony services has at all times a current
11 list of the names of persons authorized to request customer service
12 information.

13 (E) The California Child Support ~~Automation~~ *Enforcement*
14 System and the California Parent Locator Service and Central
15 Registry shall ensure that customer service information supplied
16 by a public utility, cable television corporation, provider of
17 electronic digital pager communication, or provider of mobile
18 telephony services is applicable to the person who is being sought
19 before releasing the information pursuant to subdivision (d).

20 (4) During the development of the California Child Support
21 ~~Automation~~ *Enforcement* System, the department shall determine
22 the necessity of additional locate sources, including those specified
23 in this section, based upon the cost-effectiveness of those sources.

24 (5) The public utility, cable television corporation, electronic
25 digital pager communication provider, or mobile telephony service
26 provider may charge a fee to the California Parent Locator Service
27 and Central Registry or the California Child Support ~~Automation~~
28 *Enforcement* System for each search performed pursuant to this
29 subdivision to cover the actual costs to the public utility, cable
30 television corporation, electronic digital pager communication
31 provider, or mobile telephony service provider for providing this
32 information.

33 (6) No public utility, cable television corporation, electronic
34 digital pager communication provider, or mobile telephony service
35 provider or official or employee thereof, shall be subject to criminal
36 or civil liability for the release of customer service information as
37 authorized by this subdivision.

38 (e) Notwithstanding Section 14203 of the Penal Code, any
39 records established pursuant to this section shall be disseminated
40 only to the Department of Child Support Services, the California

1 Child Support-~~Automation~~ *Enforcement* System, the California
2 Parent Locator Service and Central Registry, the parent locator
3 services and central registries of other states as defined by federal
4 statutes and regulations, a local child support agency of any county
5 in this state, and the federal Parent Locator Service. The California
6 Child Support-~~Automation~~ *Enforcement* System shall be allowed
7 access to criminal offender record information only to the extent
8 that access is allowed by law.

9 (f) (1) At no time shall any information received by the
10 California Parent Locator Service and Central Registry or by the
11 California Child Support-~~Automation~~ *Enforcement* System be
12 disclosed to any person, agency, or other entity, other than those
13 persons, agencies, and entities specified pursuant to Section 17505,
14 this section, or any other provision.

15 (2) This subdivision shall not otherwise affect discovery between
16 parties in any action to establish, modify, or enforce child, family,
17 or spousal support, that relates to custody or visitation.

18 (g) (1) The Department of Justice, in consultation with the
19 Department of Child Support Services, shall promulgate rules and
20 regulations to facilitate maximum and efficient use of the California
21 Parent Locator Service and Central Registry. Upon implementation
22 of the California Child Support-~~Automation~~ *Enforcement* System,
23 the Department of Child Support Services shall assume all
24 responsibility for promulgating rules and regulations for use of
25 the California Parent Locator Service and Central Registry.

26 (2) The Department of Child Support Services, the Public
27 Utilities Commission, the cable television corporations, providers
28 of electronic digital pager communication, and the providers of
29 mobile telephony services shall develop procedures for obtaining
30 the information described in subdivision (c) from public utilities,
31 cable television corporations, providers of electronic digital pager
32 communication, and providers of mobile telephony services and
33 for compensating the public utilities, cable television corporations,
34 providers of electronic digital pager communication, and providers
35 of mobile telephony services for providing that information.

36 (h) The California Parent Locator Service and Central Registry
37 may charge a fee not to exceed eighteen dollars (\$18) for any
38 service it provides pursuant to this section that is not performed
39 or funded pursuant to Section 651 and following of Title 42 of the
40 United States Code.

(i) This section shall be construed in a manner consistent with the other provisions of this article.

SEC. 21. Section 17508 of the Family Code is amended to read:

17508. (a) The Employment Development Department shall, when requested by the Department of Child Support Services local child support agency, ~~or, the Franchise Tax Board for purposes of administering Article 5 (commencing with Section 19271) of Chapter 5 of Part 10.2 of Division 2 of the Revenue and Taxation Code,~~ the federal Parent Locator Service, or the California Parent Locator Service, provide access to information collected pursuant to Division 1 (commencing with Section 100) of the Unemployment Insurance Code to the requesting department or agency for purposes of administering the child support enforcement program, and for purposes of verifying employment of applicants and recipients of aid under this chapter or CalFresh under Chapter 10 (commencing with Section 18900) of Part 6 of Division 9 of the Welfare and Institutions Code.

(b) (1) To the extent possible, the Employment Development Department shall share information collected under Sections 1088.5 and 1088.8 of the Unemployment Insurance Code immediately upon receipt. This sharing of information may include electronic means.

(2) This subdivision shall not authorize the Employment Development Department to share confidential information with any individuals not otherwise permitted by law to receive the information or preclude batch runs or comparisons of data.

SEC. 22. Section 17522.5 of the Family Code is amended to read:

17522.5. (a) Notwithstanding Section 8112 of the Commercial Code and Section 700.130 of the Code of Civil Procedure, when a local child support agency pursuant to Section 17522, ~~or the Franchise Tax Board pursuant to Section 18670 or 18670.5 of the Revenue and Taxation Code,~~ or the department pursuant to Section 17454 or 17500, issues a levy upon, or requires by notice any employer, person, political officer or entity, or depository institution to withhold the amount of, as applicable, a financial asset for the purpose of collecting a delinquent child support obligation, the person, financial institution, or securities intermediary (as defined in Section 8102 of the Commercial Code)

1 in possession or control of the financial asset shall liquidate the
2 financial asset in a commercially reasonable manner within 20
3 days of the issuance of the levy or the notice to withhold. Within
4 five days of liquidation, the person, financial institution, or
5 securities intermediary shall transfer to the ~~local child support~~
6 ~~agency, the Franchise Tax Board, or the department, as applicable,~~
7 *State Disbursement Unit, established under Section 17309*, the
8 proceeds of the liquidation, less any reasonable commissions or
9 fees, or both, which are charged in the normal course of business.

10 (b) If the value of the financial assets exceed the total amount
11 of support due, the obligor may, within 10 days after the service
12 of the levy or notice to withhold upon the person, financial
13 institution, or securities intermediary, instruct the person, financial
14 institution, or securities intermediary who possesses or controls
15 the financial assets as to which financial assets are to be sold to
16 satisfy the obligation for delinquent support. If the obligor does
17 not provide instructions for liquidation, the person, financial
18 institution, or securities intermediary who possesses or controls
19 the financial assets shall liquidate the financial assets in a
20 commercially reasonable manner and in an amount sufficient to
21 cover the obligation for delinquent child support, and any
22 reasonable commissions or fees, or both, which are charged in the
23 normal course of business, beginning with the financial assets
24 purchased most recently.

25 (c) For the purposes of this section, a financial asset shall
26 include, but not be limited to, an uncertificated security, certificated
27 security, or security entitlement (as defined in Section 8102 of the
28 Commercial Code), security (as defined in Section 8103 of the
29 Commercial Code), or a securities account (as defined in Section
30 8501 of the Commercial Code).

31 *SEC. 23. Section 17523.5 of the Family Code is amended to*
32 *read:*

33 17523.5. (a) (1) Notwithstanding any other law, in connection
34 with the duty of the department and the local child support agency
35 to promptly and effectively collect and enforce child support
36 obligations under Title IV-D, the transmission, filing, and recording
37 of a lien record by departmental and local child support agency
38 staff that arises pursuant to subdivision (a) of Section 4506 of this
39 code or Section 697.320 of the Code of Civil Procedure against
40 the real property of a support obligor in the form of a digital or a

1 digitized electronic record shall be permitted and governed only
2 by this section.

3 (2) A facsimile signature that complies with the requirements
4 of paragraph (2) of subdivision (b) of Section 27201 of the
5 Government Code shall be accepted on any document relating to
6 a lien that is filed or recorded pursuant to this section.

7 ~~(3) Pursuant to Chapter 4 (commencing with Section 10080) of~~
8 ~~Part 1 of Division 9 of the Welfare and Institutions Code, the~~
9 ~~department~~

10 (3) *The department* and the local child support agency may use
11 the California Child Support ~~Automation Enforcement System~~ to
12 transmit, file, and record a lien record under this section.

13 (b) Nothing in this section shall be construed to require a county
14 recorder to establish an electronic recording delivery system or to
15 enter into a contract with an entity to implement this section.

16 (c) For purposes of this section, the following terms have the
17 following meanings:

18 (1) "Digital electronic record" means a record containing
19 information that is created, generated, sent, communicated,
20 received, or stored by electronic means, but not created in original
21 paper form.

22 (2) "Digitized electronic record" means a scanned image of the
23 original paper document.

24 *SEC. 24. Section 17525 of the Family Code is amended to*
25 *read:*

26 17525. (a) Whenever a state or local governmental agency
27 issues a notice of support delinquency, the notice shall state the
28 date upon which the amount of the delinquency was calculated,
29 and shall notify the obligor that the amount calculated may, or
30 may not, include accrued interest. This requirement shall not be
31 imposed until the local child support agency has instituted the
32 California Child Support ~~Automation Enforcement System defined~~
33 ~~in Section 10081 of the Welfare and Institutions Code; implemented~~
34 *and maintained by the Department of Child Support Services*
35 *pursuant to Section 17308.* The notice shall further notify the
36 obligor of his or her right to an administrative determination of
37 arrears by requesting that the local child support agency review
38 the arrears, but that payments on arrears continue to be due and
39 payable unless and until the local child support agency notifies the
40 obligor otherwise. A state agency shall not be required to suspend

1 enforcement of any arrearages as a result of the obligor's request
2 for an administrative determination of arrears, unless the agency
3 receives notification of a suspension pursuant to subdivision (b)
4 of Section 17526.

5 (b) For purposes of this section, "notice of support delinquency"
6 means a notice issued to a support obligor that includes a specific
7 statement of the amount of delinquent support due and payable.

8 (c) This section shall not require a state or local entity to
9 calculate the amount of a support delinquency, except as otherwise
10 required by law.

11 *SEC. 25. Section 17528 of the Family Code is amended to*
12 *read:*

13 17528. (a) As authorized by subdivision (c) of Section 704.110
14 of the Code of Civil Procedure, the following actions shall be taken
15 in order to enforce support obligations that are not being met:

16 (1) Within 18 months of implementation of the ~~Statewide~~
17 ~~Automated Child Support System (SACSS)~~, *California Child*
18 *Support Enforcement System (CSE)*, or its replacement as
19 prescribed by former Section 10815 of the Welfare and Institutions
20 Code, and certification of ~~SACSS CSE~~ or its replacement by the
21 United States Department of Health and Human Services, the
22 department shall compile a file of all support judgments and orders
23 that are being enforced by local child support agencies pursuant
24 to Section 17400 that have sums overdue by at least 60 days or by
25 an amount equal to 60 days of support.

26 (2) The file shall contain the name and social security number
27 of the person who owes overdue support, the amount of overdue
28 support as of the date the file is created, the name of the county in
29 which the support obligation is being enforced by the local child
30 support agency, and any other information that is deemed necessary
31 by the department and the Public Employees' Retirement System.

32 (3) The department shall provide the certified file to the Public
33 Employees' Retirement System for the purpose of matching the
34 names in the file with members and beneficiaries of the Public
35 Employees' Retirement System that are entitled to receive Public
36 Employees' Retirement System benefits. The department and the
37 Public Employees' Retirement System shall work cooperatively
38 to develop an interface in order to match the names in their
39 respective electronic data processing systems. The interface

1 required to intercept benefits that are payable periodically shall be
2 done as soon as it is technically feasible.

3 (4) The department shall update the certified file no less than
4 on a monthly basis to add new cases within the local child support
5 agencies or existing cases that become delinquent and to delete
6 persons who are no longer delinquent. The department shall provide
7 the updated file no less than on a monthly basis to the Public
8 Employees' Retirement System.

9 (5) Information contained in the certified file provided to the
10 Public Employees' Retirement System by the department and the
11 local child support agencies and information provided by the Public
12 Employees' Retirement System to the department shall be used
13 exclusively for child support enforcement purposes and may not
14 be used for any other purpose.

15 (b) Notwithstanding any other ~~provision of~~ law, the Public
16 Employees' Retirement System shall withhold the amount certified
17 from the benefits and refunds to be distributed to members with
18 overdue support obligations or from benefits to be distributed to
19 beneficiaries with overdue support obligations. If the benefits are
20 payable periodically, the amount withheld pursuant to this section
21 shall not exceed the amount permitted to be withheld for an
22 earnings withholding order for support under Section 706.052 of
23 the Code of Civil Procedure.

24 (c) The Public Employees' Retirement System shall forward
25 the amounts withheld pursuant to subdivision (b) within 10 days
26 of withholding to the department for distribution to the appropriate
27 county.

28 (d) On an annual basis, the department shall notify individuals
29 with overdue support obligations that PERS benefits or PERS
30 contribution refunds may be intercepted for the purpose of
31 enforcing family support obligations.

32 (e) No later than the time of the first withholding, the Public
33 Employees' Retirement System shall send those persons subject
34 to withholding the following:

35 (1) Notice that his or her benefits or retirement contribution
36 refund have been reduced by payment on a support judgment
37 pursuant to this section.

38 (2) A form developed by the department that the applicant shall
39 use to request either a review by the local child support agency or
40 a court hearing, as appropriate.

1 (f) The notice shall include the address and telephone number
2 of the local child support agency that is enforcing the support
3 obligation pursuant to Section 17400, and shall specify that the
4 form requesting either a review by the local child support agency
5 or a court hearing must be received by the local child support
6 agency within 20 days of the date of the notice.

7 (g) The form shall include instructions that are designed to
8 enable the member or beneficiary to obtain a review or a court
9 hearing as appropriate on his or her own behalf. The form shall
10 specify that if the member or beneficiary disputes the amount of
11 support arrearages certified by the local child support agency
12 pursuant to this section, he or she may request a review by the
13 local child support agency.

14 (h) The department shall develop procedures that are consistent
15 with this section to be used by each local child support agency in
16 conducting the requested review. The local child support agency
17 shall complete the review in accordance with the procedures
18 developed by the department and shall notify the member or
19 beneficiary of the result of the review within 20 days of receiving
20 the request for review. The notification of review results shall
21 include a request for hearing form and shall inform the member
22 or beneficiary that if he or she returns the completed request for
23 hearing form within 20 days of the date of the notice of review
24 results, the local child support agency shall calendar the matter for
25 court review. If the local child support agency cannot complete
26 the review within 20 days, the local child support agency shall
27 calendar the matter for hearing as specified in subdivision (k).

28 (i) The form specified in subdivision (g) shall also notify the
29 member or beneficiary that he or she may request a court hearing
30 to claim an exemption of any benefit not payable periodically by
31 returning the completed form to the local child support agency
32 within 20 days. If the local child support agency receives a timely
33 request for a hearing for a claim of exemption, the local child
34 support agency shall calendar a court hearing. The amount of the
35 exemption, if any, shall be determined by the court in accordance
36 with the procedures set forth in Section 703.070 of the Code of
37 Civil Procedure.

38 (j) If the local child support agency receives the form requesting
39 either a review by the local child support agency or a court hearing
40 within the 20 days specified in subdivision (f), the local child

1 support agency shall not distribute the amount intercepted until
2 the review by the local child support agency or the court hearing
3 is completed. If the local child support agency determines that all
4 or a portion of the member's or beneficiary's benefits were
5 intercepted in error, or if the court determines that any amount of
6 the benefits are exempt, the local child support agency shall refund
7 any amount determined to be exempt or intercepted in excess of
8 the correct amount to the member or beneficiary within 10 days
9 of determination that a refund is due.

10 (k) Any hearing properly requested pursuant to this section shall
11 be calendared by the local child support agency. The hearing shall
12 be held within 20 days from the date that the local child support
13 agency receives the request for hearing. The local child support
14 agency shall provide notice of the time and place for hearing by
15 first-class mail no later than five days prior to the hearing.

16 (l) Nothing in this section shall limit any existing rights of the
17 member or beneficiary, including, but not limited to, the right to
18 seek a determination of arrearages or other appropriate relief
19 directly from the court. However, if the procedures of this section
20 are not utilized by the member or beneficiary, the court may not
21 require the local child support agency to refund any money that
22 was distributed to the child support obligee prior to the local child
23 support agency receiving notice of a court determination that a
24 refund is due to the member or beneficiary.

25 (m) The Department of Child Support Services and the Public
26 Employees' Retirement System shall enter into any agreement
27 necessary to implement this section which shall include provisions
28 for the department to provide funding to the Public Employees'
29 Retirement System to develop, implement, and maintain the
30 intercept process described in this section.

31 (n) The Public Employees' Retirement System ~~may~~ shall not
32 assess service charges on members or beneficiaries in order to
33 recover any administrative costs resulting from complying with
34 this section.

35 SEC. 26. *Section 17710 of the Family Code is amended to*
36 *read:*

37 17710. (a) Each county shall be responsible for any
38 administrative expenditures for administering the child support
39 program not covered by federal and state funds.

(b) Notwithstanding subdivision (a), effective July 1, 1991, to June 30, 1992, inclusive, counties shall pay the nonfederal share of the administrative costs of conducting the reviews required under *former* Section 15200.8 of the Welfare and Institutions Code from the savings counties will obtain as a result of the reduction in the maximum aid payments specified in Section 11450. Effective July 1, 1992, to June 30, 1993, inclusive, the state shall pay the nonfederal share of administrative costs of conducting the reviews required under *former* Section 15200.8 of the Welfare and Institutions Code. Funding for county costs after June 30, 1993, shall be subject to the availability of funds in the annual Budget Act.

~~(c) If the federal government imposes a penalty on California's child support program for the failure to meet the October 1, 1997, deadline for the implementation of an automated child support enforcement system required by the federal Family Support Act of 1988 (P.L. 100-485), no portion of any penalty imposed by the federal government from October 1, 1997, to the date of enactment of the act adding this subdivision shall be assessed against Los Angeles County.~~

SEC. 27. Section 17801 of the Family Code is amended to read:

17801. (a) A custodial or noncustodial parent who is dissatisfied with the local child support agency's resolution of a complaint shall be accorded an opportunity for a state hearing when any one or more of the following actions or failures to take action by the department or the local child support agency is claimed by the parent:

(1) An application for child support services has been denied or has not been acted upon within the required timeframe.

(2) The child support services case has been acted upon in violation of state or federal law or regulation or department letter ruling, or has not yet been acted upon within the required timeframe, including services for the establishment, modification, and enforcement of child support orders and child support accountings.

(3) Child support collections have not been distributed or have been distributed or disbursed incorrectly, or the amount of child support arrears, as calculated by the department or the local child support agency is inaccurate. The amount of the court order for

1 support, including current support and arrears, is not subject to a
2 state hearing under this section.

3 (4) The child support agency's decision to close a child support
4 case.

5 (b) Prior to requesting a hearing pursuant to subdivision (a), the
6 custodial or noncustodial parent shall exhaust the complaint
7 resolution process required in Section 17800, unless the local child
8 support agency has not, within the 30-day period required by that
9 section, submitted a written resolution of the complaint. If the
10 custodial or noncustodial parent does not receive that timely written
11 resolution he or she may request a hearing pursuant to subdivision
12 (a).

13 (c) A hearing shall be provided under subdivision (a) when the
14 request for a hearing is made within 90 days after receiving the
15 written notice of resolution required in Section 17800 or, if no
16 written notice of resolution is provided within 30 days from the
17 date the complaint was made, within 90 days after making the
18 complaint.

19 (d) (1) A hearing under subdivision (a) shall be set to commence
20 within 45 days after the request is received by the state hearing
21 office, and at least 10 days prior to the hearing, all parties shall be
22 given written notice of the time and place of the hearing. Unless
23 the time period is waived by the complainant, the proposed hearing
24 decision shall be rendered by the state hearing office within 75
25 days after the request for a state hearing is received by the state
26 hearing office. The department shall have 15 days from the date
27 the proposed decision is rendered to act upon the decision. When
28 a hearing is postponed, continued, or reopened with the consent
29 of the complainant, the time for issuance of the decision, and action
30 on the decision by the department, shall be extended for a period
31 of time consistent with the postponement, continuance, or
32 reopening.

33 (2) For purposes of this subdivision, the "state hearing office"
34 refers to the division of the office or agency designated by the
35 department to carry out state hearings, that conducts those state
36 hearings.

37 (e) To the extent not inconsistent with this section, hearings
38 under subdivision (a) shall be provided in the same manner in
39 which hearings are provided in Sections 10950 to 10967 of the

Welfare and Institutions Code and the State Department of Social Services' regulations implementing and interpreting those sections.

(f) Pendency of a state hearing shall not affect the obligation to comply with an existing child support order.

(g) Any child support determination that is subject to the jurisdiction of the superior court and that is required by law to be addressed by motion, order to show cause, or appeal under this code shall not be subject to a state hearing under this section. The director shall, by regulation, specify and exclude from the subject matter jurisdiction of state hearings provided under subdivision (a), grievances arising from a child support case in the superior court which must, by law, be addressed by motion, order to show cause, or appeal under this code.

(h) The local child support agency and the Franchise Tax Board shall comply with, and execute, every decision of the director rendered pursuant to this section.

(i) The director shall contract with the State Department of Social Services or the Office of Administrative Hearings for the provision of state hearings in accordance with this section.

(j) This section shall be implemented only to the extent that there is federal financial participation available at the child support funding rate set forth in Section 655(a)(2) of Title 42 of the United States Code.

SEC. 28. Section 17802 of the Family Code is repealed.

~~17802. To the extent that a custodial or nonecustodial parent has a complaint concerning the action or inaction of the Franchise Tax Board in any child support case referred to the Franchise Tax Board pursuant to Section 17400, that complaint shall be resolved pursuant to Section 17800 by the local child support agency that is responsible for the case. The Franchise Tax Board shall cooperate with the local child support agency in resolving the complaint within the timeframes required by Section 17800. If the custodial or nonecustodial parent requests a hearing pursuant to Section 17801, the Franchise Tax Board shall ensure that a representative attends the hearing if deemed necessary by the local child support agency.~~

~~SEC. 8.~~

SEC. 29. Section 69619.5 is added to the Government Code, to read:

1 69619.5. (a) The Legislature hereby ratifies the authority of
2 the Judicial Council to convert 10 subordinate judicial officer
3 positions to judgeships in the 2016–17 fiscal year when the
4 conversion will result in a judge being assigned to a family law or
5 juvenile law assignment previously presided over by a subordinate
6 judicial officer, pursuant to subparagraph (C) of paragraph (1) of
7 subdivision (c) of Section 69615.

8 (b) The action described in subdivision (a) shall be in addition
9 to any action that may be taken pursuant to the authority described
10 in subparagraph (B) of paragraph (1) of subdivision (c) of Section
11 69615 to convert up to 16 subordinate judicial officer positions to
12 judgeships.

13 ~~SEC. 9.~~

14 *SEC. 30.* Section 361 of the Welfare and Institutions Code is
15 amended to read:

16 361. (a) (1) In all cases in which a minor is adjudged a
17 dependent child of the court on the ground that the minor is a
18 person described by Section 300, the court may limit the control
19 to be exercised over the dependent child by any parent or guardian
20 and shall by its order clearly and specifically set forth all those
21 limitations. Any limitation on the right of the parent or guardian
22 to make educational or developmental services decisions for the
23 child shall be specifically addressed in the court order. The
24 limitations may not exceed those necessary to protect the child. If
25 the court specifically limits the right of the parent or guardian to
26 make educational or developmental services decisions for the child,
27 or, for the nonminor dependent, if the court finds the appointment
28 of a developmental services decisionmaker to be in the best
29 interests of the nonminor dependent, the court shall at the same
30 time appoint a responsible adult to make educational or
31 developmental services decisions for the child or nonminor
32 dependent until one of the following occurs:

33 (A) The minor reaches 18 years of age, unless the child or
34 nonminor dependent chooses not to make educational or
35 developmental services decisions for himself or herself, or is
36 deemed by the court to be incompetent.

37 (B) Another responsible adult is appointed to make educational
38 or developmental services decisions for the minor pursuant to this
39 section.

1 (C) The right of the parent or guardian to make educational or
2 developmental services decisions for the minor is fully restored.

3 (D) A successor guardian or conservator is appointed.

4 (E) The child is placed into a planned permanent living
5 arrangement pursuant to paragraph (5) of subdivision (g) of Section
6 366.21, Section 366.22, Section 366.26, or subdivision (i) of
7 Section 366.3, at which time, for educational decisionmaking, the
8 foster parent, relative caretaker, or nonrelative extended family
9 member as defined in Section 362.7, has the right to represent the
10 child in educational matters pursuant to Section 56055 of the
11 Education Code, and for decisions relating to developmental
12 services, unless the court specifies otherwise, the foster parent,
13 relative caregiver, or nonrelative extended family member of the
14 planned permanent living arrangement has the right to represent
15 the child or nonminor dependent in matters related to
16 developmental services.

17 (2) An individual who would have a conflict of interest in
18 representing the child or nonminor dependent shall not be
19 appointed to make educational or developmental services decisions.
20 For purposes of this section, “an individual who would have a
21 conflict of interest” means a person having any interests that might
22 restrict or bias his or her ability to make educational or
23 developmental services decisions, including, but not limited to,
24 those conflicts of interest prohibited by Section 1126 of the
25 Government Code, and the receipt of compensation or attorney’s
26 fees for the provision of services pursuant to this section. A foster
27 parent shall not be deemed to have a conflict of interest solely
28 because he or she receives compensation for the provision of
29 services pursuant to this section.

30 (3) If the court limits the parent’s educational rights pursuant
31 to this subdivision, the court shall determine whether there is a
32 responsible adult who is a relative, nonrelative extended family
33 member, or other adult known to the child who is available and
34 willing to serve as the child’s educational representative before
35 appointing an educational representative or surrogate who is not
36 known to the child.

37 If the court cannot identify a responsible adult who is known to
38 the child and available to make educational decisions for the child,
39 subparagraphs (A) to (E), inclusive, of paragraph (1) do not apply,
40 and the child has either been referred to the local educational

1 agency for special education and related services, or has a valid
2 individualized education program, the court shall refer the child
3 to the local educational agency for appointment of a surrogate
4 parent pursuant to Section 7579.5 of the Government Code.

5 If the court cannot identify a responsible adult to make
6 educational decisions for the child, the appointment of a surrogate
7 parent as defined in subdivision (a) of Section 56050 of the
8 Education Code is not warranted, and there is no foster parent to
9 exercise the authority granted by Section 56055 of the Education
10 Code, the court may, with the input of any interested person, make
11 educational decisions for the child.

12 (4) If the court appoints a developmental services decisionmaker
13 pursuant to this section, he or she shall have the authority to access
14 the child's or nonminor dependent's information and records
15 pursuant to subdivision (u) of Section 4514 and subdivision (y) of
16 Section 5328, and to act on the child's or nonminor dependent's
17 behalf for the purposes of the individual program plan process
18 pursuant to Sections 4646, 4646.5, and 4648 and the fair hearing
19 process pursuant to Chapter 7 (commencing with Section 4700)
20 of Division 4.5, and as set forth in the court order.

21 If the court cannot identify a responsible adult to make
22 developmental services decisions for the child or nonminor
23 dependent, the court may, with the input of any interested person,
24 make developmental services decisions for the child or nonminor
25 dependent. If the child is receiving services from a regional center,
26 the provision of any developmental services related to the court's
27 decision must be consistent with the child's or nonminor
28 dependent's individual program plan and pursuant to the provisions
29 of the Lanterman Developmental Disabilities Services Act
30 (Division 4.5 (commencing with Section 4500)).

31 (5) All educational and school placement decisions shall seek
32 to ensure that the child is in the least restrictive educational
33 programs and has access to the academic resources, services, and
34 extracurricular and enrichment activities that are available to all
35 pupils. In all instances, educational and school placement decisions
36 shall be based on the best interests of the child. If an educational
37 representative or surrogate is appointed for the child, the
38 representative or surrogate shall meet with the child, shall
39 investigate the child's educational needs and whether those needs
40 are being met, and shall, prior to each review hearing held under

1 this article, provide information and recommendations concerning
2 the child's educational needs to the child's social worker, make
3 written recommendations to the court, or attend the hearing and
4 participate in those portions of the hearing that concern the child's
5 education.

6 (6) Nothing in this section in any way removes the obligation
7 to appoint surrogate parents for students with disabilities who are
8 without parental representation in special education procedures as
9 required by state and federal law, including Section 1415(b)(2) of
10 Title 20 of the United States Code, Section 56050 of the Education
11 Code, Section 7579.5 of the Government Code, and Rule 5.650
12 of the California Rules of Court.

13 (b) (1) Subdivision (a) does not limit the ability of a parent to
14 voluntarily relinquish his or her child to the State Department of
15 Social Services, to a county adoption agency, or to a licensed
16 private adoption agency at any time while the child is the subject
17 of a petition to declare him or her, or is, a dependent child of the
18 juvenile court, if the department, county adoption agency, or
19 licensed private adoption agency is willing to accept the
20 relinquishment.

21 (2) When accepting the relinquishment of a child described in
22 paragraph (1), the department or a county adoption agency shall
23 comply with Section 8700 of the Family Code and, within five
24 court days of accepting the relinquishment, shall file written notice
25 of that fact with the court and all parties to the case and their
26 counsel.

27 (3) When accepting the relinquishment of a child described in
28 paragraph (1), a licensed private adoption agency shall comply
29 with Section 8700 of the Family Code and, within 10 court days
30 of accepting the relinquishment, shall file or allow another party
31 or that party's counsel to file with the court one original and five
32 copies of a request to approve the relinquishment. The clerk of the
33 court shall file the request under seal, subject to examination only
34 by the parties and their counsel or by others upon court approval.
35 If the request is accompanied by the written agreement of all
36 parties, the court may issue an ex parte order approving the
37 relinquishment. Unless approved pursuant to that agreement, the
38 court shall set the matter for hearing no later than 10 court days
39 after filing, and shall provide notice of the hearing to all parties
40 and their counsel, and to the licensed private adoption agency and

1 its counsel. The licensed private adoption agency and any
2 prospective adoptive parent or parents named in the relinquishment
3 shall be permitted to attend the hearing and participate as parties
4 regarding the strictly limited issue of whether the court should
5 approve the relinquishment. The court shall issue an order
6 approving or denying the relinquishment within 10 court days after
7 the hearing.

8 (c) A dependent child shall not be taken from the physical
9 custody of his or her parents or guardian or guardians with whom
10 the child resides at the time the petition was initiated, unless the
11 juvenile court finds clear and convincing evidence of any of the
12 following circumstances listed in paragraphs (1) to (5), inclusive,
13 and, in an Indian child custody proceeding, paragraph (6):

14 (1) There is or would be a substantial danger to the physical
15 health, safety, protection, or physical or emotional well-being of
16 the minor if the minor were returned home, and there are no
17 reasonable means by which the minor's physical health can be
18 protected without removing the minor from the minor's parent's
19 or guardian's physical custody. The fact that a minor has been
20 adjudicated a dependent child of the court pursuant to subdivision
21 (e) of Section 300 shall constitute prima facie evidence that the
22 minor cannot be safely left in the physical custody of the parent
23 or guardian with whom the minor resided at the time of injury.
24 The court shall consider, as a reasonable means to protect the
25 minor, each of the following:

26 (A) The option of removing an offending parent or guardian
27 from the home.

28 (B) Allowing a nonoffending parent or guardian to retain
29 physical custody as long as that parent or guardian presents a plan
30 acceptable to the court demonstrating that he or she will be able
31 to protect the child from future harm.

32 (2) The parent or guardian of the minor is unwilling to have
33 physical custody of the minor, and the parent or guardian has been
34 notified that if the minor remains out of their physical custody for
35 the period specified in Section 366.26, the minor may be declared
36 permanently free from their custody and control.

37 (3) The minor is suffering severe emotional damage, as indicated
38 by extreme anxiety, depression, withdrawal, or untoward aggressive
39 behavior toward himself or herself or others, and there are no
40 reasonable means by which the minor's emotional health may be

1 protected without removing the minor from the physical custody
2 of his or her parent or guardian.

3 (4) The minor or a sibling of the minor has been sexually abused,
4 or is deemed to be at substantial risk of being sexually abused, by
5 a parent, guardian, or member of his or her household, or other
6 person known to his or her parent, and there are no reasonable
7 means by which the minor can be protected from further sexual
8 abuse or a substantial risk of sexual abuse without removing the
9 minor from his or her parent or guardian, or the minor does not
10 wish to return to his or her parent or guardian.

11 (5) The minor has been left without any provision for his or her
12 support, or a parent who has been incarcerated or institutionalized
13 cannot arrange for the care of the minor, or a relative or other adult
14 custodian with whom the child has been left by the parent is
15 unwilling or unable to provide care or support for the child and
16 the whereabouts of the parent is unknown and reasonable efforts
17 to locate him or her have been unsuccessful.

18 (6) In an Indian child custody proceeding, continued custody
19 of the child by the parent or Indian custodian is likely to result in
20 serious emotional or physical damage to the child, and that finding
21 is supported by testimony of a “qualified expert witness” as
22 described in Section 224.6.

23 (A) Stipulation by the parent, Indian custodian, or the Indian
24 child’s tribe, or failure to object, may waive the requirement of
25 producing evidence of the likelihood of serious damage only if the
26 court is satisfied that the party has been fully advised of the
27 requirements of the federal Indian Child Welfare Act (25 U.S.C.
28 Sec. 1901 et seq.), and has knowingly, intelligently, and voluntarily
29 waived them.

30 (B) Failure to meet non-Indian family and child-rearing
31 community standards, or the existence of other behavior or
32 conditions that meet the removal standards of this section, will not
33 support an order for placement in the absence of the finding in this
34 paragraph.

35 (d) The court shall make a determination as to whether
36 reasonable efforts were made to prevent or to eliminate the need
37 for removal of the minor from his or her home or, if the minor is
38 removed for one of the reasons stated in paragraph (5) of
39 subdivision (c), whether it was reasonable under the circumstances
40 not to make any of those efforts, or, in the case of an Indian child

1 custody proceeding, whether active efforts as required in Section
2 361.7 were made and that these efforts have proved unsuccessful.
3 The court shall state the facts on which the decision to remove the
4 minor is based.

5 (e) The court shall make all of the findings required by
6 subdivision (a) of Section 366 in either of the following
7 circumstances:

8 (1) The minor has been taken from the custody of his or her
9 parent or guardian and has been living in an out-of-home placement
10 pursuant to Section 319.

11 (2) The minor has been living in a voluntary out-of-home
12 placement pursuant to Section 16507.4.

13 *SEC. 31. Chapter 4 (commencing with Section 10080) of Part*
14 *1 of Division 9 of the Welfare and Institutions Code is repealed.*

15 *SEC. 32. Section 11475.2 of the Welfare and Institutions Code*
16 *is repealed.*

17 ~~11475.2. (a) If at any time the Director of Social Services~~
18 ~~considers any public agency, which is required by law, by~~
19 ~~delegation of the department, or by cooperative agreement, to~~
20 ~~perform functions relating to the state plan for securing child and~~
21 ~~spousal support and determining paternity, to be failing in a~~
22 ~~substantial manner to comply with any provision of the state plan,~~
23 ~~the director shall put that agency on written notice to that effect.~~

24 ~~The state plan concerning spousal support shall apply only to~~
25 ~~spousal support included in a child support order.~~

26 ~~In this chapter the term spousal support shall include support~~
27 ~~for a former spouse.~~

28 ~~(b) If the director determines that there is a failure on the part~~
29 ~~of that public agency to comply with the provisions of the state~~
30 ~~plan, or if the State Personnel Board certifies to the director that~~
31 ~~that public agency is not in conformity with applicable merit system~~
32 ~~standards under Part 2.5 (commencing with Section 19800) of~~
33 ~~Division 5 of Title 2 of the Government Code, and that sanctions~~
34 ~~are necessary to secure compliance, the director may invoke either~~
35 ~~or both of the following sanctions:~~

36 ~~(1) Withhold part or all of state and federal funds, including~~
37 ~~incentive funds, from that public agency until the public agency~~
38 ~~shall make a showing to the director of full compliance.~~

1 ~~(2) Notify the Attorney General that there has been a failure to~~
2 ~~comply with the state plan and the Attorney General shall take~~
3 ~~appropriate action to secure compliance.~~

4 ~~(e) Notwithstanding Sections 15200 and 15204.2, in the event~~
5 ~~of a federal statewide child support program audit, review, or other~~
6 ~~measure of program compliance or performance which results in~~
7 ~~the reduction of federal funding for the Title IV-A program, the~~
8 ~~state shall fund 100 percent of the federal reduction to ensure the~~
9 ~~continuation of funding for allowable aid payments and related~~
10 ~~administrative costs associated with the AFDC program.~~

11 ~~(d) In the event of a federal determination to reduce or modify~~
12 ~~federal funding for the Title IV-A program as a result of improper~~
13 ~~or inadequate county administration of the child and spousal~~
14 ~~support enforcement program, the department shall pass on to the~~
15 ~~counties any federal sanction levied on or after January 1, 1991,~~
16 ~~regardless of the date of the underlying federal audit, except for~~
17 ~~any sanctions resulting from the 1986 audit or federal followup.~~
18 ~~For the purposes of this section, the date of levy is the date the~~
19 ~~federal government actually reduces, withholds, or otherwise~~
20 ~~modifies the state's funding.~~

21 ~~(e) The sanction shall be assessed as follows:~~

22 ~~(1) The state shall assume responsibility for 50 percent of the~~
23 ~~total federal sanction.~~

24 ~~(2) Each county shall be assessed an amount equal to the amount~~
25 ~~of increased county costs which would occur based on application~~
26 ~~of Sections 15200 and 15204.2.~~

27 ~~(3) For each county found to be out of compliance based on the~~
28 ~~reviews conducted pursuant to Section 15200.8, the county shall~~
29 ~~be assessed an amount equal to one-half the rate of the federal~~
30 ~~sanction multiplied by the county's total federal Title IV-A~~
31 ~~program funding.~~

32 ~~(4) For each county found to be marginally in compliance based~~
33 ~~on the reviews conducted pursuant to Section 15200.8, the county~~
34 ~~shall be assessed an amount equal to one-quarter the rate of the~~
35 ~~federal sanction multiplied by the county's total federal Title IV-A~~
36 ~~program funding. For the purposes of this section, a county is~~
37 ~~marginally in compliance if it attains at least 75 percent, but not~~
38 ~~more than 80 percent, compliance with case processing criteria.~~

39 ~~(5) In the event the amount of the federal sanction is less than~~
40 ~~the amount required to apply paragraphs (1), (2), (3), and (4),~~

1 county liability under paragraph (4) shall be reduced accordingly.
2 In the event county liability under paragraph (4) is eliminated and
3 the amount of the federal sanction is less than the amount required
4 to apply paragraphs (1), (2), and (3), county liability under
5 paragraph (3) shall be reduced accordingly.

6 ~~(6) The review pursuant to Section 15200.8 which was~~
7 ~~conducted closest to the date the federal sanction was levied shall~~
8 ~~be used to determine which counties are out of compliance and~~
9 ~~marginally in compliance.~~

10 ~~(f) There shall be established a sanction credit which shall~~
11 ~~consist of any net increase in state revenue resulting from any~~
12 ~~increase of more than 9¾ percent in distributed collections on~~
13 ~~behalf of families receiving Aid to Families with Dependent~~
14 ~~Children for each of the previous three state fiscal years.~~

15 ~~(1) The balance of the sanction after application of subdivision~~
16 ~~(e) shall be reduced by the amount of the sanction credit.~~

17 ~~(2) In the event the sanction credit exceeds the balance of the~~
18 ~~sanction after application of paragraph (1), the amount exceeding~~
19 ~~the balance shall be used to reduce the liability of marginally~~
20 ~~compliant counties under paragraph (4) of subdivision (e). Any~~
21 ~~further balance shall be used to reduce the liability of~~
22 ~~out-of-compliance counties under paragraph (3) of subdivision~~
23 ~~(e).~~

24 ~~(3) In the event the sanction credit does not fully offset the~~
25 ~~balance of the sanction after application of paragraph (1), the state~~
26 ~~shall be responsible for 50 percent of the unmet balance, and the~~
27 ~~remaining 50 percent shall be distributed to all counties in~~
28 ~~proportion to their total Title IV-A program funding.~~

29 ~~(g) The sanction assessed a county pursuant to this section shall~~
30 ~~be levied as a general assessment against the county.~~
31 ~~Notwithstanding Section 15200.97, a county may use any funds~~
32 ~~paid to that county pursuant to Sections 15200.1, 15200.2, 15200.3,~~
33 ~~15200.6, 15200.7, 15200.85, 15200.9, and 15200.95 over and~~
34 ~~above the county's cost of administering the child support program~~
35 ~~to supplant any county funds reduced under this section.~~

36 ~~(h) In the event of any other audit or review which results in~~
37 ~~the reduction or modification of federal funding for the program~~
38 ~~under Part D (commencing with Section 652) of Subchapter IV~~
39 ~~of Title 42 of the United States Code, the sanction shall be assessed~~

1 against those counties specifically cited in the federal findings in
2 the amount cited in those findings.

3 (i) The department shall establish a process whereby any county
4 assessed a portion of any sanction may appeal the department's
5 decision.

6 (j) Nothing in this section shall be construed as relieving the
7 board of supervisors of the responsibility to provide funds
8 necessary for the continued operation of the state plan as required
9 by law.

10 *SEC. 33. Section 11475.3 of the Welfare and Institutions Code*
11 *is repealed.*

12 ~~11475.3.~~ The first fifty dollars (\$50) of any amount of child
13 support collected in a month in payment of the required support
14 obligation for that month shall be paid to a recipient of aid under
15 this chapter, except recipients of foster care payments under Article
16 5 (commencing with Section 11400) shall not be considered income
17 or resources of the recipient family, and shall not be deducted from
18 the amount of aid to which the family would otherwise be eligible.
19 The local child support agency in each county shall ensure that
20 payments are made to recipients as required by this section.

21 *SEC. 34. Section 11476.2 of the Welfare and Institutions Code*
22 *is repealed.*

23 ~~11476.2.~~ On a monthly basis, the local child support agency
24 shall provide to any CalWORKs recipient or former recipient for
25 whom an assignment pursuant to subdivision (a) of Section 11477
26 is currently effective, a notice of the amount of assigned support
27 payments made on behalf of the recipient or former recipient or
28 any other family member for whom public assistance is received.

29 *SEC. 35. Chapter 6 (commencing with Section 16575) of Part*
30 *4 of Division 9 of the Welfare and Institutions Code is repealed.*